

**MAUI PLANNING COMMISSION
REGULAR MEETING
JUNE 26, 2007**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Johanna Amorin at 9:07 a.m., Tuesday, June 26, 2007, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Ms. Amorin: At this time public testimony will be taken up on any agenda item that we have to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Planning Commission today. Maximum times on any individual's testimony will be for three minutes and I will have them conclude in 30 seconds. We do have one person on our sign up sheet. At this time we will call upon Sam.

The following persons testified at the beginning of the meeting:

Sam Hironaka- New Business, Item C-1, Elleair Hawaii, Final EA Determination
Greg Wescott - Public Hearing, Item B-1, DOT, Airports Division, SMA

Their testimony can be found under the item on which they testified on.

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

1. **STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION requesting a Special Management Area Use Permit for the Proposed Installation of a new Explosive Detection System (EDS) for checked baggage, and construction of related improvements to the existing baggage screening area at the Kahului Airport project in order to install a new Explosive Detection System (EDS) for the checked baggage and construct related improvements to the existing baggage screening area at the Kahului Airport, TMK: 3-8-001: 019, 226, and 240, Kahului, Island of Maui. (SM1 2006/0036) (L. Callentine)**

Ms. Livit Callentine presented the Maui Planning Department's Report.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: It's obvious that there's no way of being unhappy with the addition of this at the airport. The problem I see as a member of the commission is the question that was raised by the testifier and does this commission have a power to add that condition to the application since it's an SMA that they're looking for? We're now talking about an environmental thing that is bringing in parasites, etc. So does that come under our purview?

Ms. Amorin: Corporation Counsel you have a answer to his question?

Mr. Giroux: I think there was two questions that were raised by the testifier. One was that there is a pre-existing agreement. I'm not privy to that agreement in and of itself, and I'm not sure if that agreement is between an organization and the State or if that was a condition of a prior permit. If it's a private agreement then the two parties have to deal with that in litigation because we wouldn't enforce a private agreement. If the prior agreement was a condition of a prior permit that was incorporated into a permit then the Department of Planning in their enforcement powers would then look into that violation as far as being an SMA violation. So that's something, you know, outside of this permit.

In this permit you would have to look at what this development is doing to impact. You have to find a connection between this development and the perceived harm in order to develop any types of conditions that would try to mitigate that impact.

Mr. Iaconetti: May I?

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: So can we find out what sort of an agreement that was that occurred prior to this? Was it between the State and the Transportation?

Mr. Giroux: Maybe the department could clarify that.

Ms. Callentine: Yes, Madam Chair, I was unaware of this agreement until the testifier brought it up. It has not been brought to my attention previous to now. So the department would have to research this.

Ms. Amorin: Director you have any comments to add to this concern?

Mr. Hunt: I think James summed it up pretty well. The issue that was raised by the testifier is in regards to a previous application. If this commission believe that this application would also impact invasive species then you can address that concern. If there is no nexus or connection between the two issues then I would encourage you to not go down that road.

Ms. Amorin: Thank you. Commissioner Guard.

Mr. Guard: Are they going to be able to fill these staffing positions if we keep building buildings they can't staff?

Ms. Callentine: I can't answer that.

Ms. Amorin: Can we hear from the applicant?

Ms. Callentine: I would defer to the applicant on that.

Ms. Karlynn Kawahara: Good morning Chair and Members of the Maui Planning Commission. My name is Karlynn Kawahara and I'm a planner with the firm of Munekiyo and Hiraga. We are before you today regarding the application for the proposed explosive detection system improvements at the Kahului Airport for the checked baggage screening. Joining me today as Livit pointed out are Gene Matsushige, the project manager for the State Department of Transportation and Clarence Izuo of Anbe, Aruga and Ishizu Architects, the project's architect. I won't go into detail. I think Livit did a really good job in providing an overall summary of the project, but I would just like to briefly note again that the project is proposed to replace the existing baggage screening equipment that's in the lobby right now and would move that whole process to the back behind the ticketing counters of the airport operations.

Again, to accommodate this new equipment and screening procedures, a roof extension is proposed to the existing check baggage area and interior improvements are proposed to an existing structure at the airport for the onscreen resolution room. This again will fully automate the system and once that system is in place, the machines in the ticketing lobby will be removed.

There has been one minor addition to project since the plans were submitted in November of last year and that is that the airport will be adding five parking spaces and Mr. Izuo can point that out on his presentation. But the five stalls will be added to the existing central lobby building area which is underneath where the passengers go through and that area is currently filled with gravel.

Again, the DOT is proposing this project to meet a Federal Homeland Security requirement to install this new check baggage screening system and the new structures as Mr. Izuo will point out are in conformance with the existing structures that are there.

Before I turn the presentation over to Mr. Izuo, to address Mr. Guard's comment, I believe that the hiring of the personnel – actually what's going to happen is that the personnel that work in the lobby right now are basically going to be moved to the back. So it may be

a matter of hiring new personnel for this project. I will go ahead and turn this over to the architect and he can give you a little bit more detail about the improvements proposed.

Ms. Amarin: Thank you. Do we have a mike for the speaker? Does the podium mike stretch over?

Mr. Clarence Izuo: Thank you and good morning. To give you an overview, the existing ticket lobby area is in the white over here. The existing baggage make up area is in this section and the recent expansion, the phase 1B was in this portion right here which is basically complete.

Mr. Callentine: Sir, I'm sorry, could you just go ahead and state your name for the record?

Mr. Izuo: My name is Clarence Izuo. I'm with Anbe, Aruga, Ishizu Architects. Our scope of work is to expand the existing baggage make up area to the north end as a covered area basically matching the existing roof type and also to bump out this front portion for a new ETD explosive trace detection room. From the pictures up here you can see that the expansion on the north side is an existing parking lot area and the expansion to the front of it is into the existing driveway and a portion of the existing driveway still would veer around the building structure. On an elevation view, you can see that this portion here is the bump out for the EDT room and our new roof structure is on this end right here. All the roof structure beyond including the phase 1B is existing now and we'll be taking out the existing baggage make up equipment and replacing with all new equipment.

In addition, there's a requirement for an OSR room, onscreen resolution which is basically computers which will be placed in a lost space over here and will be connected by cables.

And as Karlynn mentioned, there are additional parking in this area. It's a graveled area right now. It's basically to provide parking for the displaced parking over here.

As far as the exterior of the building, we're basically matching what's there now, metal roof, concrete columns and essentially the character would remain the same. Any questions?

Ms. Amarin: So all the baggage, all the different airlines at the airport when somebody is at the counter, the ticket counter, rather than take it to the separate security on check-in baggage it goes back of them?

Mr. Izuo: That's correct. The ticket counters are existing.

Ms. Amarin: How do you prevent loss and to make sure that all the baggage get onto their correct carriers? Is that all in place?

Mr. Izuo: It is all in place. It will be automated from the ticket counters, the bags would be collected, put on conveyor belts and we are creating additional carousels in the back. It will go through the system providing six new EDS machines which is the first line of screening and from here if they're cleared then they'll go to the individual airline carousels.

Ms. Amarin: As far as the time element for what is in place today because you need 20 minutes usually and if they're going to go out to the mainland domestic, etc., so this all fits into a timely effort and security to get it onto the carriers?

Mr. Izuo: That's correct. Once you check in and pass over your baggage, it's all automatic after that.

Ms. Amarin: Majority will probably go through level 1 and pass.

Mr. Izuo: That's correct.

Ms. Amarin: Commissioners? Commissioner Hedani.

Mr. Hedani: Mr. Izuo, the shaded area that you pointed out is that all in the back of the house of the terminal where it's not actually visible by the public?

Mr. Izuo: The new areas that we have shaded is behind the ticketing area, yes.

Mr. Hedani: So as far as the general public is concerned, it's in the white area on top and the traffic is above that, right?

Mr. Izuo: That's correct. You come in from the parking, you come into the lobby, go to the ticket counters, everything beyond that is behind closed doors.

Mr. Hedani: But second question that I had, the second question that I had is if there's an exemption that you folks are applying for why do you have to go through this process?

Mr. Izuo: I don't think it's really an exemption we're applying for because it's in a SMA area that we've come before the commission.

Mr. Hedani: But you're not exempt from the process?

Mr. Izuo: We're exempt for the building permitting itself.

Mr. Hedani: But not the SMA requirements?

Mr. Izuo: That's correct.

Mr. Hedani: Okay.

Ms. Amarin: Any more questions Commissioners? Seeing none, thank you. Karlynn.

Ms. Kawahara: This concludes our presentation and we are available to answer any further questions the commission may have.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: I thought you said there were someone here from the State Transportation Division?

Ms. Kawahara: Yes, the project manager is here.

Mr. Iaconetti: Would he be able to answer the question that the Corp. Counsel brought up as to that agreement that was arranged.

Ms. Kawahara: I did ask him about if he knew the history of the agreement that was referred to during the public testimony and he was not familiar with the details of that agreement unfortunately. So, we could do further research to determine what the agreement was, but I can't – I don't have that answer off the top of our heads unfortunately.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: I'd like to ask the Corp. Counsel if he feels that knowledge of this agreement is pretty basic as far as our passage of the SMA approval.

Mr. Giroux: I'm not sure I understand your question. You're asking me if you feel that's a necessary document for you to review before –

Mr. Iaconetti: Yeah, I got the impression from the Planning Director perhaps erroneously we should not go down that road. And we are all in agreement that this development to the airport is very important, but I feel that so are the questions that were raised by the testifier. And if the only way we're going to find out what the problem is is by knowing what that original agreement is, then I would personally be in favor of getting that knowledge. I perhaps shouldn't say this but I begin – I again the feel the feeling that we in the outer islands are stepchildren to Oahu and I have felt that way in medicine and I feel that way here and I don't think that's appropriate. I think we're every bit as important to the State of Hawaii on Maui as Oahu is. And if Oahu is able to have sufficient personnel to inspect this material then we should too. And I don't know where that – the funds are going to come from but I think it's an important element to the passage.

Ms. Amorin: Karlynn, since we do have the DOT here can he comment on this concern? Quality of service, outer islands, we'd really appreciate your comment.

Mr. Gene Matsushige: Good morning Chairwoman and Members of the Commission, I'm Gene Matsushige with the Department of Transportation and what's your specific question?

Mr. Iaconetti: Well specifically, why haven't we the personnel that apparently was approved and agreed to to inspect the baggage for whatever, I mean, parasites, everything else that we're supposed to be getting inspected.

Mr. Matsushige: I believe the positions are available.

Mr. Iaconetti: I know that, why aren't they filled?

Mr. Matsushige: That's a Department of Agriculture does the hiring and they're using the DOT funds. So it's up to the Department of Ag to do the hiring. We're proving the facility for the Department of Ag.

Mr. Iaconetti: So you're saying that the Department of Transportation is willing to pay for these people, an adequate wage to attract them to come to Maui to do their job, and that all the Department of Agriculture has to do is request it?

Mr. Matsushige: I believe they have requested the positions and I believe the positions have not been applied for. They're equal pay as what, I believe that the rest of the State has, it's what Honolulu has to offer, what Kauai, what the other islands are receiving.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Gene, we just heard from the testifier this morning that people will not go into the positions that need to be filled because it's easier for them to apply with the Department of Agriculture positions which have better scheduling than what you folks have. That they have split shifts which is a hiring problem because if you have split shifts and you have an unscheduled workweek it makes the job that much less desirable. People will not take a job like that if they can get a five-day a week job that's all night or all day – it's basic management from the standpoint of the department.

This island takes invasive species very seriously and the lack of enforcement of invasive species is something that's very perturbing to a lot of people and I think it's very important that the department take a stand, make some decisions, make some policies or do whatever they have to do in order to fill the positions. I think the Doc is right, and I think John is right when he says, you know, for this particular project nobody in his right mind is

going to turn down an explosive detection system but to approve things for the department with the department ...(inaudible)... not addressing problems of personnel on an important issue is very distressing.

Mr. Matsushige: You know I think as far as the Department of Transportation they have done all that is – that they're able. They spent tens of millions of dollars on the facility and also providing wages. I think what you're looking at is a Department of Ag and how they handle theirs and also how the U. S. Department of Ag does their hiring and their procedures and I don't think that's a Department of Transportation has any say in that.

Mr. Hedani: Okay, my other comment is I think somebody is asleep at the switch and tens of millions of dollars are going wasted because it's not being properly manned.

Ms. Amarin: Any more questions? Commissioner Pawsat.

Ms. Pawsat: Do you know if dogs are a standard part of the overall explosive detection issue as well? Is that something that will be used in addition? I mean, all over the country usually dogs. So won't you need dogs for this project as well? And wouldn't you fill both if you only get one?

Mr. Matsushige: I don't know. I don't know what the procedures are as far as the TSA has in place for explosive detection.

Ms. Pawsat: And then my other question is since the Department of Homeland Security is responsible for security of the nation's transportation systems, and that's about like mass groups of people being in one spot, are they going to – is the State planning to implement also an explosive detection system at the Kahului Airport for the superferry?

Mr. Matsushige: I'm not sure what the superferry has planned. That's the Harbors Division.

Ms. Pawsat: No, that would be part of the Homeland Security, the State implementing Homeland Security rules for security systems actually. It wouldn't be a private issue would it?

Mr. Matsushige: I'm responsible for – I just took over Kahului Airport and a few of the other neighbor islands and that's for the airports only.

Ms. Amarin: Commissioner Guard.

Mr. Guard: Do you see any problems with staffing in any of the other areas on Maui compared to the other islands?

Mr. Matsushige: This is the first of the systems that's going in, massive system. The only other one that's being put in place at this time is in Honolulu and I'm not familiar with what's happening in Honolulu, but from what I've heard it's going okay at this time.

Mr. Guard: So is there a difference on the – I guess the volume of baggage that Maui's handling versus the other neighbor islands?

Mr. Matsushige: I would say it's higher than the other neighbor islands and of course, Honolulu being the highest.

Mr. Guard: But for the islands, so for us to not have proper staffing in all of the areas, obviously bombs are a big threat in this day and age, but the hopefully the DOT would say hey, by any means necessary we need to prevent any invasive species that we can from coming here because that's a life – that threat has a longer term negative impact than more of an isolated incident with the DOT, I mean, Homeland Security that you probably have, I mean it could be grave. But the long term negative impact on the agriculture industry and possibly tourism as a whole if we get snakes, something coming in that should be a concern.

Mr. Matsushige: I can bring back your concerns to the Deputy Director, Brian Sekiguchi. What is it that you may want him to do?

Mr. Guard: I think they should fill these vacancies by any means necessary and maybe we can start working on some specific conditions that we fill all of these vacancies with stronger language saying by any means necessary whether it be the cost of living index compared to other neighbor islands. I would think it's easier to find a house to rent in Hilo than it is on Maui. To fill a job where you have a higher volume of planes coming in and the potential for negative impacts on the environment.

Ms. Pawsat: Would it be helpful if we compiled a –

Ms. Amarin: Pawsat.

Ms. Pawsat: Would it be helpful if the planning commission compiled a list of our questions and submitted it to the State?

Ms. Kawahara: Commission Chair, it just occurred to me that the ASAP building which is related to all of this discussion that's going on on the alien species should have I believe, and I can't say for sure because I did not work on the project, but it should have received an SMA permit because it is within the airport proper. And because of that, there should have been a condition for a compliance, a preliminary compliance report and final compliance report, and I'm sorry, this would probably put more onus on the Planning

Department staff to research that to see, to verify whether or not there was a permit on the ASAP building, but as related to that, perhaps that's a way to address the commission's concerns to get an update because the DOT for that permit would have to comply with all of the conditions and turn in a final compliance report to be approved. So that may be the mechanism that the planning commission may be looking for to get an update from the DOT to actually, you know, put the onus on that ASAP building permit.

Ms. Amorin: Director.

Mr. Hunt: What I stated earlier was if, if the planning commission found a connection between the issue of invasive species and this application then that's fine for you to address that. I wasn't telling you one way or the other. I was just saying you have to make that connection. After all the testimony and all the information you need to now decide if there is a connection between the previous permit and this application. I share your frustration with the DOT regarding invasive species it's a critical important issue on our island. Same with feeling like we're the stepchild on the island. I live in West Maui. Traffic is a huge concern for me. But I don't think this is the appropriate avenue to ask DOT to address those issues. The application before you is specific to this one improvement to the airport and your job is to see whether that application meets the rules and the regulations that apply to that application not to hold DOT to the fire for all our concerns that we have with DOT.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: At what point do we hold them to the fire? This is our only opportunity is it not?

Mr. Hunt: Are you – may I respond?

Ms. Amorin: Director.

Mr. Hunt: Your job is to review the application before you not to hold DOT accountable for all the other responsibilities that they have.

Ms. Amorin: Commissioner Iaconetti, followed by Commissioner Hiranaga, followed by Commissioner Pawsat and then followed by Commissioner Hedani.

Mr. Iaconetti: After all that I've almost forgotten what I was going to ask. It seems to me that we are here to represent the public on this island. And it is important to the population of Maui that we protect it against environmental problems that can occur. And for that reason, I personally feel that we ought to either defer approval until we get all the information or I hate to deny something that is so important to the island, but I think we at

least ought to defer this until we get all of the information so we can find out how and how we're going to implement all of the positions that may require increasing their pay. I don't know, but these are positions that have to be filled.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: I'm just wondering if we could ask the Planning Department to research the previous SMA application for the I guess, the alien species building and determine if a condition was placed regarding staffing and consider that a separate matter. And if the department could report back to us.

Ms. Amarin: Director.

Mr. Hunt: We'd be happy to do that.

Ms. Amarin: Commissioner Pawsat.

Ms. Pawsat: But aren't they setting a precedent for not meeting some of their conditions and how can you, you know, pass, you know, deliberate on something and pose conditions when you feel like they aren't being met. That's one. And number two, according to the County Code and the State Code, this is our business. And what you said, I would like to hear come out of his mouth actually.

Ms. Amarin: Corporation Counsel.

Mr. Giroux: This is a touchy subject, so as far as what we're looking at, the director's correct, we're looking at a permit and we need to be looking at the permit under the purview of 205A. If we are going to do that we have to follow the case law that says that when we're reviewing a permit because we're empowered by the Federal statute that empowered the State to create an SMA law that then gave the authority to the County and this County by Charter has given the final authority to SMA matters or CZMA matters to the Council.

But you have to do that under the purview of 205A which means that you have to treat an application as a permit and do an analysis in accordance to 205A. And you have that analysis in your materials. It points out all of the issues that you need to look at in order to see whether this development has an impact on the environment. If you find that this development does have an impact on the environment then you can start fashioning conditions to mitigate those impacts before you even consider denying the permit. And that's what the director is trying to say. You know, I believe it's a good thing to know the totality of what you're looking at. If it is a question that you do want to, you know, in order to feel comfortable with, that you know the history of the totality of all of the, you know, not all, but you know, at least the pertinent permits that are related to this project, you know,

either tendentiously or really closely. But again, you have to look at this in the totality of, you know, are you going to be straying too far.

Again, what the director said is, if you, you know, like lets say the police came before us to put a post out and their new structure just happened to be within the shoreline area, is it going to be your purview to demand the Police Department to change their policies in hiring and firing in order that we have those 40 some empty positions filled. Are you going too far?

And that's always the question in law is when are you within and without your bounds of the permit that you are actually looking at. Is personnel an issue that you're looking at or is that going to be a legislative issue? Is that something that we need to bring up to the State Legislature that they're not sufficiently passing laws that are mandating the protection of, you know, the ingress and egress of invasive species to Maui. And again, you have to come back to this structure. Is this structure or this development adding to that problem or exasperating that problem or is that problem just preexisting and that's something that we want the state to look at?

Ms. Amarin: Commissioner Hedani followed by Commissioner Hiranaga, followed by Commissioner Pawsat.

Mr. Hedani: I guess the other question that I had relates to the Urban Design Review Committee's comment on the baggage that's detected to have a problem. Does the applicant have a response on what happens to the bags that do not pass?

Ms. Kawahara: Essentially that's –

Mr. Hedani: Do you take it out into a field and blow up somebody's underwear or what do you do?

Ms. Kawahara: Unfortunately, that's not within the purview of the DOT. It's actually, again, this is being instituted for TSA procedures. So any kind of – the procedures or the protocol that occurs if a bag fails is done by TSA. And that's why as Livit had pointed out, DOT had submitted a letter to TSA requesting information on the protocol, however, the response from TSA was that that information is sensitive security information which cannot be released.

Mr. Hedani: So it's classified. You could tell me, but you'd have to kill me, right?

Ms. Kawahara: I guess. Yeah, that's the general assumption. But we were assured by TSA that the protocols that they have in place do take into account the safety of the passengers and the airport personnel.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I just wanted to suggest that rather than spend more time regarding this staffing issue that we determine first that there is in fact a condition that was placed upon that special management area permit that was granted for the alien species building because if the condition was not placed upon that permit why are we spending so much time discussing it? So I think we should allow the department to research that issue which was raised by the testifier and provide us with a report.

Ms. Amorin: Thank you for your comments. Commissioner Pawsat.

Ms. Pawsat: I agree.

Ms. Amorin: Okay, thank you. Thank you Karlynn. Do we have a TSA representative here though?

Ms. Kawahara: We do have a TSA representative.

Ms. Amorin: Maybe he could follow up on Pawsat's question that was in relation to this project.

Mr. Bill Bursley: Good morning, my name is Bill Bursley, I'm the Acting Federal Security Director for the airport.

Ms. Amorin: Thank you. Commissioner Pawsat, regarding the dogs and then?

Ms. Pawsat: So are dogs a standard for explosives detection?

Mr. Bursley: At certain airports depending on the traffic that is available for it there is sometimes funds that are available for the Federal Government to provide explosive detection dogs which of course, are different than any other animals that are used by any other organization or group. We also use dogs that come over from Honolulu for training purposes and for detection purposes.

Ms. Pawsat: So if dogs will be used for this project if there's funding available or is there a priority of airports like that get funding first before other airports or how does that work?

Mr. Bursley: To be honest with you, as far as I know I don't believe it's part of this project.

Ms. Pawsat: So are there priorities in funding then? Is that why or certain – which airports, and so this is kind of a low priority airport for dogs or even for this project?

Mr. Bursley: The dog project is – it is under discussion for the Kahului Airport. It is under discussion with the Department of Transportation and for the State to be able to bring the dogs together. This is a combination with the State working together with the Federal Government to provide funds for the animals.

Ms. Pawsat: Are there high risk and low risk airports or do you guys categorize that sort of thing?

Mr. Bursley: Indeed there are categories for them.

Ms. Pawsat: And what level is Kahului Airport?

Mr. Bursley: The Kahului Airport is considered as classification as Class 1 airport.

Ms. Pawsat: And what does that mean? And how many different classes are there?

Mr. Bursley: Category X airports are like Honolulu, Los Angeles, Denver, Chicago, New York. Category 1 airports –

Ms. Pawsat: Class X did you say?

Mr. Bursley: X .

Ms. Pawsat: X?

Mr. Bursley: X as in X-ray. And there's other airports too that are at the classification as ones which would be Kahului, Oakland and a variety of other airports throughout the nation. There's Classifications of 2's, 3's and 4's that would be like Lanai, Molokai, Kapalua in the higher classification or in that regard.

Ms. Pawsat: Do you know how many Class X airports there are?

Mr. Bursley: Several.

Ms. Pawsat: Several.

Ms. Amarin: Thank you very much. Any more questions? Staff planner, Livit.

a. Public Hearing

Ms. Amarin: I'm sorry, before I call Livit up, I'd like to open it up for public testimony. Do we have any members of the audience who wishes to come forth on this particular agenda

item? Seeing none, public testimony is closed.

The following testimony was received at the beginning of the meeting:

Mr. Greg Wescott: My name is Greg Wescott. I'm a member of the Kahului Airport Alien Species Action Team and I'm here to speak regarding the DOT Airs SMA application for Kahului Airport. I'm here to support the application, but I would like for you to condition it on their compliance with an agreement that was reached for the planning commission in 2005.

At that time, the Airports Division came for an SMA to extend the runway or to build a larger parking apron, 10-acre apron, two cargo buildings and an alien species action building at Kahului Airport. Those projects are now underway.

I appeared as a representative of the community to oppose that because they weren't meeting the required inspection protocols lined up in the risk assessment for Kahului Airport. This risk assessment indicated that for Kahului Airport to operate safely there needed to be at least 14 full-time airport inspectors and three dogs. In order to avoid a contested case hearing we were ordered by this commission to enter into negotiations with the DOT which we did and we reached an agreement with them whereby they would hire the needed inspectors and dogs. I'm here just to give you an update to let you know that that – there has been no progress made on that agreement.

If you read in the Maui News last week, the inspectors lost the only dog they had. The total number of inspectors at the airport is now – stands at eight with one of those being a temporary hire. Those eight inspectors are not fully full-time airport inspectors. They go all over the island to inspect nurseries and shipments, container shipments that arrive in different parts of the island.

So at this point, this body is the only one that has any power to move the DOT to comply with the agreement they made. In the last couple years things have gotten much worse as far as alien species in Hawaii. Inter-island, the outer islands have all become more of a threat. The Big Island has the spiny – the stinging nettle caterpillar which just was found on Oahu. The Big Island also have the tiny fire ant which threatens all of agriculture here in Hawaii and Oahu the varroa mite of bees has just turned up which threatens all bee pollinated fruits and vegetables.

Things are looking very grim and the people of Maui have to insist that we get the protection we deserve and I'm hoping that at the very least you will condition this on this permit for DOT on a thorough update of progress on this matter. We were assured by Marsha Weinert, the Governor's representative that all these people would be in place by the completion of the alien species action building. That's scheduled for completion at the

end of September. So to meet that pledge new inspectors would had to have been hired last week.

And the complaint is that there's not enough money to hire them. They can hire inspectors on Oahu but they can't get anyone to take the jobs here. The problem is they're not paying enough. The starting inspector here gets \$34 thousand a year. All of the eight inspectors at the Kahului Airport work split shift. That means they work one night, a day, an afternoon and you know what that does to one's life. A number of the inspectors here at Kahului have to work second jobs to survive.

DOT Air, the FAA has ruled that the Airport Special Fund can be used to pay for all airport related inspections, personnel, equipment, dogs, buildings, it's a legitimate use of airport landing fees and ultimately it's an essential airport function.

Ms. Amarin: Mr. Wescott, could you conclude in 30 seconds.

Mr. Wescott: So ultimately the DOT is responsible for the safe operation of the airport. It's not being operated safely now and I hope that you will in some way put pressure on them to comply with the agreement they reached with us. Thank you.

Ms. Amarin: Do we have any questions? Commissioner Iaconetti.

Mr. Iaconetti: Thank you very much for appearing today and testifying. Do you have any idea what the increase in expense would be and would this be on the State's – would that be a State expense or County expense to totally outfit the –

Mr. Wescott: Yeah, the standard procedure is to go through the Legislature and get approval. But the Legis is unwilling to pay people on Maui more than they pay on Oahu but it costs more to live here. So the positions remain vacant. They've been vacant for many years. They've never had the number of personnel that they've had openings for. So something has to change. The DOT has the money to pay for that. And ultimately, they're responsible.

Mr. Iaconetti: So your whole point then is to condition the approval on the basis that the positions will be totally filled both human and animal?

Mr. Wescott: That would be wonderful.

Mr. Iaconetti: Thank you.

Ms. Amarin: I have a question. Regarding the dogs, so we have none? And is also because of a cost factor?

Mr. Wescott: Yeah, the dog handler quit and went to another job. Part of the problem is that a dog handler or the inspectors can get \$8,000 more a year by going to work for USDA. They don't work split shift. They have lots of back up. So it's impossible to keep who are good on the job when, you know, they can walk across the street and get \$8,000 more a year.

Ms. Amarin: Are they still very effective or because of all this technology they're not needed?

Mr. Wescott: No, not at all. They're more stressed than ever. And the threats are greater than they've ever been before.

Ms. Amarin: Thank you very much.

This concludes the testimony that was received at the beginning of the meeting.

b) Action

Ms. Callentine presented the Recommendation.

Ms. Amarin: Corporation Counsel.

Mr. Giroux: Livit, can you clarify what you just said about the insurance?

Ms. Callentine: Yeah, there's a standard insurance clause. It's usually listed as condition no. 7, this is that the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties and it goes on, it's quite a long paragraph and it was just mistakenly omitted from this list of conditions in my recommendation to you today.

Mr. Giroux: I think it might be purposeful because the State is insured in that sense. It's a state project so in the past we've had to actually take that out of the permit because only the Legislature can basically set aside funds for any type of litigation that might come out of this permit.

Ms. Callentine: Okay, all right. Thank you for explaining that to me. Then what I said about changing the item numbers we will strike that from the record, but again, we will leave the striking of the project specific conditions wording and that will end up with 14 conditions as was presented to you in your recommendation report.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: Because of the urgency of putting the explosive items in the airport, I have

a concern about your standard condition 1 that says the construction of the proposed project shall be initiated by June 30, 2010. Why the long delay?

Ms. Callentine: Dr. Iaconetti, that is our standard time frame. We allow up to three years from the end of the month that the approval is granted to initiate construction.

Mr. Iaconetti: Will this have any effect on Federal funding if we wait that long to start?

Ms. Amarin: Karlynn, could you satisfy the commissioner with an update of how soon it will get started?

Ms. Kawahara: Yes. Thank you Commissioner Iaconetti. To address your question, there's no Federal funds being used for this project but the Department of Transportation is planning to begin this project, you know, as soon they can to institute the new equipment. So it is a standard condition but the project would be initiated prior to, I can assure you, 2010.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Move to approve as amended.

Ms. Amarin: We have motion on the floor to approve as amended. We have a second?

Mr. Hiranaga: Second.

Ms. Amarin: We have a second by Commissioner Hiranaga. Any discussion? Commissioner Hedani.

Mr. Hedani: I think we should ask that the department produce a compliance report for the alien species building say within the next 30 to 60 days, not necessarily as a condition to this project but as request to the department that they provide a report to the commission on compliance by the DOT with the requirements if there were any requirements that were set by an agreement with the inspection teams.

Mr. Iaconetti: If that's a condition I approve it or second it.

Mr. Hedani: I'm suggesting that we just require the department to produce that.

Ms. Pawsat: Separate.

Ms. Amarin: No motion, it's not a motion Commissioner Iaconetti.

Mr. Hedani: Right.

Ms. Amarin: Director, will that be okay for a report within from 30 to 60 days on the concern of the commissioners?

Mr. Hunt: We'll certainly try and meet that.

Ms. Amarin: Thank you. Commissioner Pawsat.

Ms. Pawsat: Well, does that actually give us some sort of avenue to do something about that or what does that mean? I mean, do we have authority to go back to it after previous commission.

Ms. Amarin: Director.

Mr. Hunt: By reviewing the SMA conditions we could do an analysis on our options in terms of enforcement of that existing permit. It wouldn't be tied to this permit. You would just be following up on that previous SMA.

Ms. Pawsat: What do you mean following up? Just so we get to know the status and we just get to know that it's not being met and that's the end of the story as well?

Mr. Hunt: No, like I said, we would do an analysis and look at our options and then take a course of action based on what we think is the best approach. I don't know what that is at this time. We haven't done the analysis. We don't even have the report in front of us.

Ms. Pawsat: That's what I mean. There's so many problems we encounter that we end up and we're like well we don't know what the process is and then we keep moving forward on these other things and then you know, you say, yeah we'll try in two to three months and then we still don't go anywhere. I mean, so I just don't understand how we're supposed to operate within that actually. I don't even see how it makes sense. I think it should be deferred until – I mean, I thought the planning commission was a wonderful place for fact finding. I would like to learn some facts.

Ms. Amarin: Corporation Counsel did you have comments on this? Thank you. So report will be requested and hopefully submitted within 30 to 60 days, Director?

Mr. Hunt: Lets see how the motion pans out and then we can revisit that issue. At this point, we're committed to it. If this motion fails and there's some other discussion we'll revisit the issue.

Ms. Amarin: Any more discussion Commissioners? Commissioner Hedani.

Mr. Hedani: There's going to be a lot of times when the Department of Transportation is going to have to come back to us for SMA permits for something or other. You know they're always going to be before us for something, yeah. So in terms of followup on items we can always pursue other issues. On this particular case I think it's important enough, I think it's important enough that the project should be evaluated primarily on its own. We did have a problem that was brought up this morning relative to a prior permit and we can take action on the prior permit if there's enforcement action that needs to be taken or if the permit needs to be suspended or if a fine needs to be attached relative to noncompliance or other actions that the department can take I think for failure to meet SMA conditions. I think from the department's perspective it's important for them to understand that although each project stands on its own, that ignoring all of the requirements of prior conditions is something that's not taken lightly.

Ms. Amarin: Thank you Commissioner. Commissioner Pawsat.

Ms. Pawsat: I guess I just don't understand how we're supposed to enforce the intent of the County Code and the State Laws and the Coastal Zone Management Area if it's getting pieced apart individually into little projects and then when we're asked to address those issues within those particular projects we're told that that's not part of this particular project. So we aren't allowed to address ...(inaudible)... So that's being caught between – And so I mean, when I say I want to know the facts, I want to know the facts in the meeting before I make the decision. You know, because you're also saying it relates to that project, you say they come up here, but then that's what just happened and we were told we weren't allowed to address that issue. So I don't understand that and that's my concern basically.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: The minutes of this meeting we hope is reviewed by the County Council is that not true?

Ms. Amarin: Corporation Counsel.

Mr. Giroux: I don't think there's any mechanism for that unless somebody requests it. There's no further review by the Council, it's not like a zoning where we make a recommendation and the transcript goes to Council automatically if that's what you're thinking. There's no such mechanism with the SMA. You're the final authority on the decision of whether to grant the SMA permit or not.

Mr. Iaconetti: Thank you.

Ms. Amarin: I just have my own comments. It's a project that needs to go forth only because of the importance of living in today's world. But what I saw here was an

opportunity to speak out on the issues that concerned some of our commissioners and there were very important issues and why, because we have representatives here that maybe have the answers and that's what I feel it was all about. But I really feel that this agenda item needs to move forward for the safety of the communities. Commissioner Pawsat.

Ms. Pawsat: I mean, I don't want to sound soft on the war on terror, but we just had the fellow up there say that we're Class 1 and we aren't Class X and that's not a high level. So I mean, I know it's important but I don't, you know, I don't really feel like we're in high jeopardy of Islamic fundamentalist terrorists, you know, not to give the suggestion, but, and if it is, yeah then why isn't it over at the superferry. That's a dangerous piece of looking equipment. So you know, there needs to be some consistency.

Ms. Amarin: Thank you for your comments. We have a motion on the floor. Any more discussion?

It was moved by Mr. Hedani, seconded by Mr. Hiranaga, then

**VOTED: To Accept the Recommendation of Approval of the Special Management Area Use Permit, as Amended.
(Assenting - W. Hedani, K. Hiranaga, J. Guard, W. Iaconetti, J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amarin: Motion carries. At this time, the Chair will call a recess.

A recess was called at 10:28 a.m., and the meeting was reconvened at 10:41 a.m.

- 2. MR. RUSTY SUMMERS, Chairman of the Board of Trustees of the KIHEI BAPTIST CHAPEL requesting the following permits and land use changes in order to construct a new chapel and related improvements at 1655 South Kihei Road, TMK: 3-9-027: 007, Kihei, Island of Maui: (J. Dack)**
 - a. County Special Use Permit in the R-2 Residential District (CUP 2006/0003);**
 - b. Special Management Area Use Permit (SM1 2006/0016); and**
 - c. Change in Zoning from R-2 Residential District to P-1 Public/Quasi-Public District. (CIZ 2006/0009).**

Mr. Jeffrey Dack presented the Maui Planning Department Report.

Mr. Wil Spence: Good morning Commissioners. My name is Wil Spence, I'm representing Kihei Baptist Church for their applications. With me today, we have a number of the church members, some other members of the ...(inaudible)... We have Anthony Riecke-Gonzalez, we have Danny ...(inaudible).. And Stacy Otomo is here, our civil engineer. So be plenty of opportunities to answer questions. What I'd like to do at this time is show you a brief a powerpoint, explain the project a little bit and go from there.

The church needs to build. It's a small building what they have now, I'll show you pictures of that. It only holds a 150 people. During the high season when, you know, most of the visitors are here they get about 250 people. So a lot of people have to be turned away. At times they hold two services. This is also the only meeting place on the property. So as you can imagine with the chapel, you know, regular church activities that would include pot lucks, you know, some fellowship time, that kinds of things and a chapel is not a proper place for those kinds of things. That's the house of worship. So they need to develop some other facilities to accommodate the social functions of the church.

The building is old as I mentioned. It's actually a conglomeration of several different buildings. It's to say that it's outlived the design is a little misnomer or rather understated as you'll see in the photos. And as staff planner, Jeffrey Dack noted, the residential zoning, you know we could keep coming back for special use permits time after time and at some point the use has to become something permanent. So we are here today requesting a county special use permit, SMA permit and ultimately a change in zoning from the County Council.

The church has been at this location since 1961. So that's 46 years. It had a long track record right on this property. The preschool was established in 1976. They've been there 31 years. They currently operate under county special use permit. They've come in for five time extensions on that permit and gotten a couple SMA permits for expansion and whatnot.

The existing property is 2.338 acres. The church itself is approximately 1,700 square feet. The preschool is about double that. They have an existing 23-stall parking lot and the remainder is just grass or gravel.

This is the existing site, the chapel's right there, existing preschool, parking. All this area here is either grass or gravel and that's the parsonage that's on a separate lot, South Kihei Road, Welakahao Road and this is the wastewater pumping station.

A few photographs. This is taken roughly from Welakahao and the South Kihei Road intersection looking south. The lovely building to the left is the – I shouldn't make fun, that's the wastewater pumping station. You can see the gravel lot right in. That's the existing church and the existing preschool.

Looking at it from the south side. Here's the preschool, existing parking, the chapel, grassed area and wastewater treatment as well as the parsonage over here in the separate lot.

This is looking at it on Welakahao towards South Kihei Road, the residence right in the middle. This is the parsonage as staff planner noted that that's on a separate property. I marked the entrance, the only entrance to the property on Welakahao with the two red lines. That's not a very large opening. Over in the left here, this is a private driveway which we'll discuss when we talk about our discussions with the neighbors.

Again, off of Welakahao, just showing the entrance, the parsonage, the neighboring properties in here.

A little closer of the existing church and preschool. You can tell they're old-style buildings, T11 siding. They're aging.

This is a close up of the church. I'm aware that this is – besides just being an old building and not, I hate to say, personally I don't think it's terribly attractive as far as churches go. It's a conglomeration of a number of buildings. There is three residences that back in I guess the early '60's were put together in order to come up with this structure. So it's not oriented very well inside as a church. It doesn't function as a church really should. You can see several additions in the back. It's just not suiting their needs.

Again, this is existing and then this is what they want to do with it. Existing chapel would stay, the existing preschool would stay, the existing parking, but then there would be a new parking lot through here, new building and we'll get to the floor plan in a second. This area here would remain grassed. We would have some overflow parking. We're proposing it towards the back of the property. And also a few stalls up front here.

This is the floor plan. You know, it sounded to me when I first think of 11,000 square foot building I think wow that's really big, but in reality it's going to be used for a number of purposes. The auditorium where people will meet for worship services is only 6,000 square feet. The remainder of it, you're going to have classrooms, here, here. This will be able to be closed off through sliding dividers. They're in real need of a church office. New restrooms. Of course, being a Baptist Church you'll have to have a baptismal and a dressing room. So it's not just meeting the worship needs off the people who are going to go there but it also is meeting the needs for meeting space where you can have a potluck or something like that.

Elevations. I understand these have been updated a little bit. This sloped area here it's more going up. Front and rear elevation. And then this is a conceptual of what it will look like from South Kihei Road. It's oriented towards South Kihei Road. I mean, that was

original church's desire to do so, but that was something that the Kihei Community Association very much supported. Said they really liked that because it was inviting people in. Notice as shown here this is a window, this is not a doorway. Doorways would be around on the sides and in the back.

Okay, that's pretty much the description of the project. I wanted to talk a little bit about our discussions with the neighbors and they're here today and they will confirm or tell me I'm wrong the way I describe their concerns. One of the things they want, and we'll go over a map that shows how we're going to accomplish these things. One of the things they wanted and this goes back clear to 2006 in March when we first had our neighborhood meeting, they didn't want to look at the building so they proposed ...(inaudible - changing of tape) and along the neighboring property as a visual buffer and I would note that it will also be a sound barrier as well. Staff, I guess it's the department's recommendation that it not be quite that high but we're still very willing to build an eight-foot wall if it's the commission's desire.

Several issues with noise. They were concerned that for construction noise that it would, you know, it would start too early, wake people up. We agree that before 8:00 a.m., there would just be, you know, non-noisy kind of things, guys would plug in their power cords, you know, those sorts of things, drink coffee. So no actual construction, noise generated construction would start earlier than 8:00 a.m. And we talked about that, we agreed to that back in March of last year.

Construction no later than 6:00 p.m. at night. I met with the Fletchers at the beginning of this month and we talked about this and I passed it along to the Pastor and the rest of the church members and they said, yeah, that's fine. We can agree to no later than 6:00 p.m.

And there is some discussion of the expansion of uses particularly the preschool. Back in March we did say, and this is one of the proposed conditions that the preschool, the play area for the preschool would not advance beyond a certain point on the property. I'll show you exactly where that is. There's other uses of the property, AA meets there, anger management meets there and Boy Scouts. So there's significant public purpose besides just the church for existence. Right now the only other thing they're thinking about doing is maybe adding an evening bible class, and as you can see from the site plan, those are going to be oriented right around the building not too much next to the neighbors. So I don't think that's going to be much of a problem.

Outdoor services, I know that this last Easter the church set up a large tent and it was essentially an outdoor service and as you know, those tents don't offer much of a sound barrier. So, – but it really is good illustration of why the building is needed in the first place. There's a demand for these kinds of church services and the only reason they had it outside or in a tent was because there's no space inside. So actually constructing the

building will alleviate any need for outdoor services and actually once the property is developed there won't even be any room for a tent outside.

The neighbors also asked that the overflow parking area not be used for that purpose. And on the one hand I can understand that. On the other hand, I think having space placed for overflow parking is perfectly appropriate because, I mean, just as the name implies, it's overflow. That's like the very last place that anybody is going to be parking on the site and only in some kind of extreme conditions, say when there's, you know, Easter service or Christmas service, when the most number of people are going to be on that property. So I don't think – I think other than that it's just going to remain a nice landscaped grassy area.

The lighting. I guess there was some lighting that was glaring onto their property. I understand that's been changed but the standard condition of this commission is that any parking lot lighting be low intensity and fully shielded. So that's a standard condition already. But there was also in our discussions, we talked about that there be some light on all night for security purposes, and that's perfectly acceptable to us. We would prefer that.

Construction dust, those kinds of things, that's also a standard condition. Their concern was about dust during construction and those kinds of things. When we go apply for a grading permit, one of the things that our engineer has to do is put a big, long list of best management practices that would include such things as dust fencing and watering the site and silt fencing and it turns into a fairly lengthy list. So that is a standard condition already that's already on the granting of any SMA permit.

So you how this would work. First, with regards to the walls. Okay, these are the two neighboring properties. This is the Fletcher's property here and I can't say that these are necessarily exactly to scale but they're representational. So Fletchers here, right next to Welakahao Road. This is Mrs. Felthous's residence also right behind the property. So, where they requested that the wall be built is along this property line here in the red. This would be the eight-foot wall that they've requested. I would also like to point out though that the parking code says that we have to have a five-foot wall between residential property and a parking lot. So along here in the yellow and very possibly along the very south line we would have to have five-foot walls as well. And we discussed these would probably be CMU and we would stucco them, you know, with some kind of color that would be agreeable with them.

The grass overflow parking as I noted is just that, it's overflow 99.9% of the time. This is going to be just green landscaped area and with regard to additional visual buffers the placement of these trees is right off our landscaping plan. So there will be landscaping along this boundary here and along Mrs. Felthous's property line. So there will still be additional visual buffers with that.

With regards to expanding any preschool activities, this is a fence – there's an existing fence that runs along, right behind the church. So that's the line that we were saying that we would not go past.

With regards to lighting, the little red squares, those are right off of the electrical sheet for the construction plans. As you can see, you'll see in the next slide there's a fairly large light pole right where this tree is sitting. That's going to be removed and the fully shielded low intensity lighting will be fairly distanced away.

When I visited the Fletchers I said well why don't we take a picture and see what the wall would look like. So we found an eight-foot stud which would be the height of the wall. That's me in the picture holding the stud if you couldn't tell. And so that's roughly the corner of the property where the different properties meet. So I took the liberty of going through photo shot and establishing where that eight-foot wall was and then off to the right of where I'm standing would be the approximate location of a five-foot wall that's required by code. One the wall's built – you know, it's a little bit hard to render a CMU wall, stuccoed wall in photo shots, so pardon the quality but the effect is still the same. This would be the effect it would have from this location at the Fletcher's house. And then from the church property, this is I'm standing roughly in the location of where the building will be. This is Mrs. Felthous's property here. This is the Fletcher's here and then the parsonage, and then once the eight-foot wall would be constructed it would be like that.

And that's pretty much what I have to say.

Ms. Amorin: Thank you very much. Commissioners any questions on this agenda item?
Commissioner Pawsat.

Ms. Pawsat: How often do you hold services?

Mr. Spence: Right now they have two services and a bible study on Sunday mornings.

Ms. Pawsat: And what's the membership number?

Mr. Spence: The resident membership is actually pretty small. I believe it's 60, 70, and then, but the thing is you have a lot of people come here from the mainland, you know, visitors staying the hotels and the condos, and so that's where the really large numbers come from. You know, right now they do get up to 250 people requesting to attend the services. With their little chapel they have to turn a significant number away.

Ms. Pawsat: So how often do you foresee your parking lot being filled to capacity? Just on Sundays and on Easter and things like that?

Mr. Spence: Yeah. I don't even think – at this point we're providing more parking than what's needed.

Ms. Pawsat: Why are you doing that? Because that's really my only concern about this project really is the enormous amount of parking. And I'm asking if you're doing that because the County's requiring it or because you think you need it. Because it really ruins your project really. I think you could have a really nice church and really nice garden space and things like that and I don't know if the Code is – That's my pet peeve with the parking code. You know, as far as I'm concerned, all the tourists can take public transportation to your Sunday mass. It's Sunday, they're all on vacation, number one. They have the time to do it. Number two, it's Sunday. Number three, it's for the community and I would think they would want a nice garden space instead of a huge parking spot.

And then this building it's right up on the road, your slide showed it considerably placed back from the road in the rendering that wasn't accurate I don't think. It didn't line up with the parking spots. You showed like a 30-foot setback from the road, and here, it's not nearly that. So but that's really – I just think it's a waste of green space to put all these parking spots in for something that's only going to reach capacity every now and then. A tremendous, tremendous waste.

Ms. Amarin: Could you please state your name?

Mr. Anthony Riecke-Gonzales: Commissioner Pawsat, my name is Anthony Riecke-Gonzales, I'm the architect of record for the project. I believe we have only one stall over what is required by the County requirements. And we did have some back and forth with them on that. We are at a number that seems agreeable to both of us on the amount of parking that's being provided and that's one of the reasons that we're doing the grass overflow parking because the grass overflow parking is counting toward our County requirement but probably would only be used during special occasions. I don't think it would be used on a regular occasion for their Sundays, but as was stated, Easter, Christmas, things where you get a large amount of people coming that don't usually come to church then it would be needed.

On the rendering it is relatively accurate. I do have an updated rendering here that I can put up in front of you and this one shows that there's now a pathway from the sidewalk into the property and there's a little teeny low wall for people to sit on over there and there's more landscaping that was requested by the Planning Department and the Urban Design Review Board to buffer between the building and the sidewalk. But there isn't much pedestrian traffic out there right now. We would hope that actually the pedestrian traffic would be increased, encouraged when this gets built. Usually now you have people that drive by at 35, 40 miles an hour.

Ms. Pawsat: Well, that's what I mean. So it just seems like you'd want less parking to encourage more pedestrian activity basically.

Mr. Riecke-Gonzales: But the pedestrian activity is to the building, it's not to the parking lot. Those are my comments.

Ms. Amorin: Any more questions?

Ms. Pawsat: Can I ask the Planning Director?

Ms. Amorin: Commissioner Pawsat.

Ms. Pawsat: Can you explain this enforcement of the – I just don't think you guys should be enforcing this basically international building code. I mean, you know that, you're from – where are you from, Portland? You guys know you guys take aggressive action against this sort of thing and this so suburban. There's all this parking. So I don't know why you guys are enforcing that particularly in this area and particularly because green space is the only thing that slows people down. I'm really offended by the parking. I mean, it's – and it's totally against everything I think we're trying to do for the island, making it more pedestrian oriented and then we turn around and enforce parking code.

Mr. Hunt: The Planning Department shares your concern with the parking. We have to administer the code as its adopted. If the Council changes the code then we would administer the new code. There is –

Ms. Pawsat: Well, then how do we get the Council to change –

Mr. Hunt: Let me finish. Let me finish please. There is some interpretation in the code in terms of what's the driver of a specific number and what's the use that results in amount of spaces that are required. We can try and take a fresh look at that interpretation and see if we can reduce the required amount on this project. You might want to talk to Jeffrey Dack the project planner see if we've already done that or if that's been exhausted. But again we would be willing to try at least that. We share your concern with the parking.

Ms. Pawsat: So the church can't apply for a variance for parking?

Mr. Hunt: They could.

Ms. Pawsat: They could. So they could theoretically apply for a variance for less parking and that would have to be approved by who?

Mr. Hunt: The Board of Variance and Appeals.

Ms. Pawsat: Board of Variance, okay.

Ms. Amarin: Thank you. Jeffrey did you have any comments regarding what the director just said?

Mr. Dack: I have the understanding that the Zoning Administration Enforcement Division which certainly administers the Zoning Code and makes interpretations has had some discussions with the applicant or their architect on this and there is an analysis indicating we have a building of 11,685 square feet, the code requires one stall per 100 square foot, leads to a 117 spaces required. You have a preschool, three classrooms, three spaces for that and existing church building to be used as a Sunday school classroom, again, classroom requires one space that all adds up to a 121 spaces. There's a 123 being provided. A good number of those spaces however, are as indicated proposed to be grass, grasscrete kind of thing, some kind of surface that will be a certainly grassed landscaped surface but will be hard enough surface to be able to handle the necessary load bearing that a parking space requires. So I don't think there's much more flexibility within the existing code to reduce required parking, although the applicant may have some further – they may have something further to eliminate on discussions they've had with ZAED but it seems although it may be excessive it does seem to fit fairly simply and with the zoning code requirements.

Ms. Amarin: Thank you. To the applicant, you have any more explanation. Maybe it's your classroom facility that you're expanding and the students

Mr. Riecke-Gonzales: This is Anthony again. I don't think it's the classrooms. The classrooms actually have very small parking requirements because they anticipate that it's only the teacher that drives there. It's more the gathering space. But one thing that I would say is that the applicant would be open to providing more of the required parking with grass parking. And under the code it's up to the Director to approve that up to a certain percentage. I don't know if he has the ability to approve it over that set percentage which I believe is 25% which I think we're already pretty close to. But if the Director is open to approving a higher percentage to be in grass parking, the church is open to doing that. You know, they don't want paving out there any more than is necessary. I do think the parking is appropriate for those times like Easter. There's actually going to be where, you know, the person who comes late is going to have to find parking somewhere else. But the church is very open to, you know, you want to go to 40, 50% of the required parking to be grass, they're open to doing that. The code right now only states that 25% of the required parking I believe can be approved by the Director to be grassed parking.

Ms. Amarin: Director, your followup comments on this?

Mr. Hunt: Again, we, the Planning Department supports the minimizing of parking and

impervious surfaces. We'd be willing to work on reducing that and working with a solution such as the architect suggested, coming up with more grass parking if that would be suitable to the planning commission.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Just continuing on this parking issue, so the required parking stall count by the County Code, your grassed overflow parking stalls is that part of the count or is it just the paved area that's part of the count?

Mr. Riecke-Gonzales: Right now a portion of the grassed parking is part of the county. So as Jeffrey mentioned, we have only two extra stalls right now and as architects and designers we like to have those in the schematic design just in case. You never know when you go in, your count, you know, your building might have grown by 10 feet and that pushes you over to require one more stall or somebody has another interpretation when you go through and they want one more stall. So it's good to know that you can do that.

And so right now what's represented on here is there are two stalls that are on there that are not required by the code. We'd be happy to get rid of those if you want, and then a portion of the grassed parking does go for the County requirement.

Mr. Hiranaga: I guess my only comment on your parking design is that I would have preferred those two stalls which are closer to South Kihei Road be removed so that as you're – if those stalls were used for parking, I feel it's going to impact the view of the church itself and I would prefer that the stalls not be closer to the road than the building itself.

Mr. Riecke-Gonzales: I think you could make that a condition of the permit that those two stalls that are grass stalls right now be turned into some kind of landscaping and if we were to add additional grassed landscape stalls, we could certainly do it along South Kihei Road there so that it gives more of a lawn frontage to the project. But I do believe I don't know exactly right now but I believe we're very close to the 25% of what we're proposing in grass and so we would need to get more, but the Planning Director has indicated he'd be open to that.

Ms. Amarin: Commissioner Guard.

Mr. Guard: Thank you. Is there a term – on your rendering it shows it going straight from the South Kihei Road to the curb and the sidewalk. I don't know what the terminology is, but to put like a grass median buffer and some landscaping on that side to improve – to improve pedestrian safety as well.

Mr. Riecke-Gonzales: That would be in the County right of way. And I believe that was recently done. The County's not usually really open to you going and tearing up their sidewalk and putting –

Mr. Guard: Oh so the sidewalk is already there in place?

Mr. Riecke-Gonzales: Yes, I believe South Kihei Road was improved already just within the last year and a half.

Mr. Guard: Okay, because the initial one seemed a little more friendly and this one is really concrete up to heavy duty landscaping that if a car did get up on the sidewalk you'd be diving into bushes.

Mr. Riecke-Gonzales: I believe that's all existing. Your chance for that was when they came in for their SMA about three years ago.

Mr. Guard: Wasn't my chance. I guess to look into that. It just seems like some of the landscaping is fairly dense right there, even to provide more shade to increase the positive side for walking in that area.

Mr. Riecke-Gonzales: Yeah, we do have – you know, if we put this rendering back up, we do have a nice big shower tree right there where we're going to be putting some low walls that people could sit on and stuff. So we are trying to make it a place for people to gather. I think that would certainly add to the attractiveness of that area versus some of the pictures that we saw of the sewer pump station and the barren land.

Mr. Guard: Anything we can do to increase the attractiveness for pedestrian use over there with the grass overflow parking until we change the parking requirements.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I guess this is a question for Anthony. The striped area that you show in your rendering, that's South Kihei Road?

Mr. Riecke-Gonzales: Yes, it is and I'm not sure if it is quite that way. It probably is because we gave the renderer a photograph of the actual area and he just picked up on that.

Mr. Hedani: So rather than a median what they did was they just did a striped median on the roadway.

Mr. Riecke-Gonzales: It's quite barren out there.

Mr. Hedani: I actually like the architecture of the building. I think it's very attractive and the only other question that I had was on your – because you have so much paved surface area, have you folks done a drainage analysis to see whether or not you're going to have drainage problems for this? Several times out of the year South Kihei is under water, yeah.

Mr. Riecke-Gonzales: We have Stacy Otomo here. He can reply to your drainage concerns.

Mr. Hedani: I guess the question was with that much covered surface area is the parking lot going to be permeable surface or permeable asphalt or how do you address the drainage?

Mr. Stacy Otomo: Good morning Commissioners, Stacy Otomo. Regarding the drainage, going back to I guess Commissioner Guard's question about the curb, gutter and sidewalk on Kihei Road, that was done I would say maybe about five years ago in conjunction with what they called the Kihei, South Kihei Road Phase 2 improvements and along with that there was drainage that was actually put in along South Kihei Road. A portion of the drainage was – of the property was designed to be accommodated by the drainage system. Unfortunately, the federal aid projects were meant to go on a 10-year, one-hour storm and the runoff coefficient that they used at the time of the design was somewhat less than what the church is creating right now. So to make up the difference what we're doing is we're not allowing any more runoff to get into that system and we're putting in subsurface drainage on the property for any excess.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I'm not sure if I read this packet correctly but – so your drainage system is to accommodate a 10-year storm only?

Mr. Otomo: The onsite drainage that we're doing for subsurface is based on a 50-year storm. The South Kihei Road system was designed only for a 10-year storm. But we're not, on a 50-year basis, we're not releasing any more runoff into that system.

Mr. Hiranaga: Okay, thank you.

Ms. Amorin: Thank you. Any more questions Commissioners? I have a question. You have a lot of walls, cement walls, and I'm sure they're going to be prone to graffiti, how will you address that?

Mr. Riecke-Gonzales: Are you talking about the cement walls on the building itself or on the site walls?

Ms. Amorin: Sidewalks. You have the five-foot and then you have the eight-foot.

Mr. Riecke-Gonzales: Right now we're planning to plaster and paint them. We're open to making them split face but we do think it should be a masonry type wall because those walls are much better for sound.

Ms. Amorin: It's just I think the exterior because of all the graffiti concerns that we have on the island, if there's a wall somebody will see it.

Mr. Riecke-Gonzales: Yes.

Ms. Amorin: I'm not sure if there has been a concern in the Kihei area.

Mr. Riecke-Gonzales: Fortunately, the walls are set back and there are hedges planned to be in front of all the walls because I do know graffiti is an issue if you have a blank wall with nothing in front of it. But usually once you have a hedge that grows up and, you know, in front of the wall, that discourages them from painting on it.

Ms. Amorin: Okay, well thank you for answering my question. Commissioner Hiranaga.

Mr. Hiranaga: A couple of more questions. With the zoning change, the current underlying zoning is R-2 and I believe the maximum building height for R-2 is 30 feet is that correct? Director, is that correct?

Mr. Hunt: I'm sorry, I was scribbling a note.

Mr. Hiranaga: Maximum building height allowed in R-2 zoning is 30 feet.

Mr. Hunt: I can look that up for you.

Mr. Dack: Yes, it is.

Mr. Hiranaga: Who said yes it is?

Mr. Dack: Staff planner, Jeffrey Dack.

Mr. Hiranaga: I was wondering if the applicant would consider lowering the building, the maximum building height to 30 feet because I believe there are people that live mauka of the project that will eventually see this roof line emerging from the surrounding residential areas. They may be beyond the 500-foot notification boundary and I think maybe to be in keeping with the surrounding residential areas that the church consider not exceed the 30-foot building height.

Mr. Riecke-Gonzales: I think the church would be open to that. Right now we're at 33 feet, so it would mean taking three feet out of the building. If it could be, you know, that the building itself would be limited to 30 feet I think we could do that. There's another 18 inches or so in grading right now and we can't really get around that. So that would be from existing grade about 31 ½ feet or so. I think, you know, we could do that without changing the design significantly. More than that it would be, we'd have to change the design. The roof pitch would be quite a bit lower.

Mr. Hiranaga: I just like the applicant to consider that because I know there are people that are beyond the 500-foot notification area that will someday see this roof emerging above the residential areas and if we can mitigate that impacting the people mauka of the project.

And I just have one more comment.

Ms. Amorin: Go ahead Commissioner Hiranaga.

Mr. Hiranaga: I believe in the packet it says that there are no plans to provide curbs and gutters and sidewalks on Welakahao Street because the street is exempt.

Mr. Riecke-Gonzales: That is correct. Yes, that is correct.

Mr. Hiranaga: I was wondering if the applicant would consider providing those improvements because it is to make it safer for pedestrians and I think you're going to create more traffic to the project. I would think that you'd want to improve Welakahao with sidewalks, curbs and gutters because you've got it on South Kihei Road and it's part of the visual appearance of your project. And you're going to have, you know, younger people coming to your church and if you're having bible studies some of them may be walking to your church.

Mr. Riecke-Gonzales: You know, I think speaking as an architect the difficulty with that is when you try and improve the infrastructure just one very small portion of a road, one you never get it right. Like I don't know if you remember in the old days, South Kihei Road, they used to require you to improve just your section in front of your property and then it would change. So you'd get one administration, they'd want 60-foot road widening, a certain type of curb and gutter and drain, and then 10 years later the next project would come. Now it would be a 66-foot road widening, a different type of curb, gutter and you'd get this kind of mishmash going back and forth which is why they did kind of the South Kihei full improvement all the way through.

The other problem with doing infrastructure in a piecemeal is does that mean when they put in their drainage, road and gutter, they now have to bear the expense of taking care of the fact that all the other properties that are unimproved in that area which aren't improving

drain into this one area that they've now improved which kind of occurs over there. And so it becomes a very expensive infrastructure improvement for the church to do because this little 60-foot section that they're improving is the only one that's going to be improved. And yet the wetlands property that's across the street which really, I've looked at that property for about four different developers has major improvements that need to be done to it. All of the street frontage on Welakahao and South Kihei Road there kind of gets that expense gets put then on the church for doing this little 60-foot portion. So that is why they're very reluctant to touch it. They'd much rather wait until the whole Welakahao Road gets improved rather than them having to do curbs and gutters just for their little portion and nothing else gets done on that road.

Mr. Hiranaga: Maybe Public Works may want to comment, but could they just do curbs and sidewalks and not do gutters? Because gutters is for capturing storm runoff, right? So you could do the curb and sidewalk.

Ms. Amarin: Mike.

Mr. Mike Miyamoto: Madam Chair. If you just put in the curbs, essentially what you're going to end up having is the erosion is going to start going under the curb portion because the water's going to hit the curb, you don't have the gutter to protect that area and then now you're going to start having undermining of that curb. So that may be a concern also that may start coming up if you just put the curbs in.

Mr. Hiranaga: You could have the gutter without any, what do they call it, intake. You could put the gutter, the curb and sidewalk but not have any storm drain intake, just allow the flow to sheet by.

Mr. Miyamoto: You know that would control it but the engineer would have to look at the grade of the area to see if the water – if that could be used to just pass the water by the area. I mean, it would require that the entranceway to the parking lot be a little bit higher to keep the water on the roadway. So it might be additional grading for that property.

Mr. Hiranaga: How about only a sidewalk?

Mr. Riecke-Gonzales: Commissioner Hiranaga, I think there's a good point here too. If you look on the slide on the screen there. The portion of the property that comes out on Welakahao is actually less than 60 feet of which 24 feet is going to be the county driveway and that's pretty much set by detail already. So we're talking about 15 feet each side.

Mr. Hiranaga: So you're not going to put those improvements in, will it be graveled beyond the 24 feet?

Mr. Riecke-Gonzales: It would be as existing. In fact, you can see the wastewater pump station that went in recently, you know, basically what they have out there by Welakahao Road. Now we would put some landscaping on there just because we want it a little prettier.

Mr. Hiranaga: Up to your boundary line.

Mr. Riecke-Gonzales: We've even offered if the county is open to it to do some landscaping around the sewer pump station because the church obviously doesn't like that as the icon for the corner any more than most of do. And so, we would be doing landscaping out in that area. There's a couple of trees that will be going in, some hedge and low ground covers. That's a lot easier and flexible than when they actually do improve Welakahao some time maybe in our life times. You know, landscaping is easy to tear up and reconfigure into hardscape and have that all coordinated so that it works with whatever you put at that corner out in front of the pump station and whatever goes down the rest of the roadway there.

Mr. Hiragana: Okay, thank you.

Ms. Amarin: Commissioner Guard.

Mr. Guard: Back to the 30-foot issue. Was the 18 inches of grading just to get out of the flood zone? So that is code anyway, 30 feet above that.

Mr. Riecke-Gonzales: Yeah, well, it's for drainage.

Mr. Guard: Okay, so that's – you'd have that right I believe anyway.

Mr. Riecke-Gonzales: And actually the surrounding area it's actually kind of a low spot and it's towards the front. So the surrounding area like the existing parking lot is already at that grade.

Mr. Guard: And so then regarding the Welakahao section that's going to be either left open for future improvements by the County or possibly some landscaping to improve the pedestrian or bicycle user experience? Just to get up there during daylight hours.

Mr. Riecke-Gonzales: Yeah, I mean, there is driveway.

Mr. Guard: The driveway into the church and then you have a few feet, I guess the County owns that whole side to the roadway from that corner and you're just above to the preschool area.

Mr. Riecke-Gonzales: Are you on the Welakahao side or?

Mr. Guard: Yeah, Welakahao right there on that one goes, right is that/

Mr. Riecke-Gonzales: No, that's the parsonage there.

Mr. Guard: In the background.

Mr. Riecke-Gonzales: Well, on the left hand side. So that's an individual lot that's a residence.

Mr. Guard: It's a residence?

Mr. Riecke-Gonzales: Yeah, the parsonage is a residence.

Mr. Guard: Oh okay. So really don't have that much frontage there anyway.

Mr. Riecke-Gonzales: No, it's just between those two red lines there.

Mr. Guard: Okay, thanks.

Ms. Amarin: Thank you. Any more questions Commissioners? Seeing none, thank you Anthony.

Ms. Amarin: At this time I'll open it up for public testimony on this agenda item.

Mr. Dack: May I complete the staff analysis please Madam Chair?

Ms. Amarin: Go ahead Jeff.

Mr. Dack presented the analysis of the department's report.

Ms. Amarin: Thank you.

a. Public Hearing

Ms. Amarin: At this time we'll get back to public testimony. We have any individual in the audience on this agenda item please step forward. Please state your name.

Mr. Herb Fletcher: Good morning. My name's Herb Fletcher, my wife and I own the property next to the parsonage. We're also here with Norma, our back neighbor who is the

other concerned person where the wall has been proposed along the back of the property.

First of all I would like to thank Wil and Pastor Glen for addressing our concerns. They've been most receptive and we appreciate that. I noted on some of the notes that have been made in today's packet that the planning commission has recommended that this eight-foot wall at the back of the property be brought down to six feet. I think that the Planning people should be made aware of the fact that our lot is three feet higher than the church property and that it would significantly affect how much of the parking lot we see from our property. Therefore, I would encourage them to stay with the original eight-foot height that was proposed.

I think that one of the other questions I had that I didn't hear address and I didn't see it on the plat for the property was this grass overflow parking in the rear. How deep is that from the back boundary of the property? Can anyone, Wil can you address that? Do you know?

Ms. Amorin: Mr. Fletcher you have three minutes.

Mr. Fletcher: Okay. I would say that, you know, I'm most encouraged that they're going to stay with basis practices of avoidance of dust and that during the construction. I was wondering if this proposed wall is going to be put up prior to the construction or whether it would be part of the ongoing construction and if so, would there be dust fences, etc., there prior to the construction of the wall.

I guess that's about all I have to say. If those questions could be answered.

Ms. Amorin: Mr. Fletcher –

Mr. Fletcher: Oh, I guess, the one other thing out there is where they have just previously discussed the sidewalk or the sidewalks possibly onto Welakahao. I would think that that whole area would be something that would be better addressed by the County seeing the road level is such that that whole area is a big lake when it rains. Therefore, I don't think any sidewalks or anything that would be expected of normal improvements for a sidewalk or anything would have any real effect on that until the road level is addressed and some drainage put into that road. There is no drains whatsoever in that area.

Ms. Amorin: Mr. Fletcher your three minutes is up. You want to conclude in 30 seconds? You have any other statement to make?

Mr. Fletcher: Only we would like to have those questions answered about the depth of the grass area in the back.

Ms. Amorin: Thank you. Commissioner Guard.

Mr. Guard: Excuse me Sir.

Ms. Amorin: Mr. Fletcher, could you come forth again.

Mr. Guard: Six foot height, I know your home is above that, could you work out with the church to do some targeted landscaping that would be greater. I mean, the landscaping will be over eight feet. So if that's the issue, they could probably block out your view of the parking lot with a few specific trees instead of encourage eight-foot walls everywhere where we don't want to look at things.

Mr. Fletcher: Where we show with the red line on that, thank you Wil for putting that up, you can see as we look from our screen porch on the front side of our house toward Welakahao on this side of it, we're looking more over the area where the wall is proposed to be five feet there. And there's going to be some trees in there, but at what point do they become a visual barrier and a noise barrier. You know, five years from now or 10 years from now or are they going to be put in at a rather large size in the beginning ...(inaudible - changing of tape)...

Mr. Guard: ... more towards Welakahao than you do over the parking lot.

Mr. Fletcher: Wil, could you bring one of those earlier ones up. That's from our screen porch on our house, and that's Wil standing there with an eight-foot 2 x4 and as you can see the wall going across the back where there's that light vegetation there would be at five-foot height. It obscures none of the parking lot really from our screen porch and then our bedroom is right behind that area, off to the left as you would see it here, the other roof overhang there.

Mr. Guard: Okay, thank you.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I can understand your concern about the view of the church facility. I personally am opposed to walls higher than six feet and maybe the church might consider planting, and again, I'm not a landscape architect, but they could maybe plant areca palms which grow up to 14, 15 feet high and are fairly fast growing and just plant a row of areca palms down the entire fence line, the five-foot line and the six-foot line. You could specify that these palms when planted be seven feet tall so they're already taller than the walls because if you don't specify pot size they might plant two-foot high areca palms. Church might consider doing something like that.

Mr. Fletcher: I think the church would probably consider almost any suggestion that we have and they have agreed to a wall that was mutually agreeable. I don't think there's a

code that says it can't be that high. Therefore, we would propose that wall height to remain as originally proposed at eight feet.

Ms. Amarin: Commissioner Pawsat.

Ms. Pawsat: Yeah, I understand your concerns and I also understand the points of my other commissioners because it is true, I mean, you know it is kind of onus on the architect and the landscape architect. There are kind of temporary things that they could do even if it's putting three feet of some sort of mesh material that a vine can grow on higher on top of the wall. I mean, there's all sort of creative things you can do to block that without it actually being a wall. Or even if the whole fence was made out of a mesh and you just grow vines all over it.

Mr. Fletcher: Well, I think we're not only concerned with the visual barrier but with a noise barrier. I'm not sure that, you know, a vegetation would certainly absorb some noise but it wouldn't reflect it like a wall would.

Ms. Pawsat: Right, right.

Mr. Fletcher: Prior to the beginning of all this, in that area where the five-foot wall is proposed along there shown by his red line there was a originally a line of very tall trees all the way across there that have been taken out that used to completely obscure the parking lot from our view and I guess we'd like to see something come back that would be of equal effectiveness.

Ms. Amarin: Thank you, thank you very much Mr. Fletcher. Do we have any other individual in the audience that wishes to speak on this agenda item? Please come forward and state your name.

Ms. Norma Felthous: Hi, I'm Norma Felthous and I just wanted to thank –

Ms. Amarin: Okay, state you name again into the mike.

Ms. Felthous: Oh, sorry about that. My name is Norma Felthous and I do live right in back of the church. I think you guys showed you the house there a little while ago and I just wanted to say to the church itself that I'm very pleased with the wall and I thank them for that, but my only concern is how near to the wall will be the overflow parking of the cars on days that they say they need that parking because that would be right in front of my house and that's the only thing I'm asking is what would the distance be from the wall with that parking. Does anybody have that?

Ms. Amarin: Ms. Felthous, you need to do testimony and you have three minutes.

Ms. Felthous: Well, I'm just asking a question. That's all I need is to ask that question.

Ms. Amorin: Thank you. We'll get to it. We'll get to it.

Ms. Felthous: Yeah, the rest of it I have no other thing to say, everything is fine. Thank you.

Ms. Amorin: Thank you. Anthony could you address her concern?

Mr. Riecke-Gonzales: Yes, if you look at the slide up there where the word, "grass" is there's a stall that's about 10 feet away from the red, eight-foot high proposed wall and then the other three stalls are about 15 feet away from the proposed eight-foot high red wall.

And then a couple other questions that they or comments they had made. There is a pink hibiscus hedge proposed along that five-foot tall. We would have no objection to changing that to areca palms. Though pink hibiscus can also get to be about eight to ten feet tall.

And then I can't remember what the other question was. Put fence up. Anyway, that's all I have.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Again, I stated I'm not a landscape architect, so you know, hibiscus hedge is fine. It's more maintenance but it's aesthetically more pleasing. Something to consider is maybe making the parsonage wall six feet high so that it would be consistent with the sound barrier wall, you know, versus having a five-foot, six-foot you may just make it six-foot straight across. Something to consider.

Mr. Riecke-Gonzales: I don't think the church would have an objection to that.

Ms. Amorin: Anthony did you address the overflow parking, the testifier had a concern about?

Mr. Riecke-Gonzales: The distance away?

Ms. Amorin: Yes, that it was 10 feet away at the closest which is just one stall over where the word "grass" is, and then the other three stalls are about 15 feet away.

Ms. Amorin: Okay, thank you. Thank you Anthony. Getting back to public testimony. Do we have any other individual in the audience, please step forward and state your name into the mike.

Mr. Howard Owings: My name is Howard Owings. I've been a member of the Kihei Baptist Chapel for 31 years and I am the person that planted those tall trees around the parsonage. We're being accused of taking them out but the point is, Mother Nature took them out. They're false wiliwili trees and they died all over the island and it's nothing we could do about it. So I wanted to make that clear.

As far as the noise and everything is concerned, as far as the overflow parking is concerned in my mind, with a six or seven-foot wall, who's going to see them from the other side and that's all I have to put in my input on that.

Ms. Amorin: Thank you. Thank you very much. Any other individual out there wishes to speak on this agenda item?

Mr. Spence: Madam Chair?

Ms. Amorin: Wil.

Mr. Spence: Could we just have the members of the church stand up. They're here in support of the application. (Members of the church stood up in the audience.)

Ms. Amorin: I see eight people that stood up. Thank you. Thank you Wil. Any other testimony to be given. Please step forward to the mike and state your name.

Mr. Brad Hickle: My name is Brad Hickle. I'm a police officer for the Maui Police Department. This parking lot area has been used for a lot of other things that happen in the Kihei area. For instance the Pacific Whale Foundation uses it as a staging area for the parade that occurs over there every year and Reverend Glen has been very supportive of the community in allowing us to use that area. And as much parking as it seems like it's going to be, it's actually what we need for that sort of thing. That's just about the only place that we have to use as a staging area you know for larger events. I know that it's also been used a parking area and shuttles to take people back and forth to the parks in the past for larger events that occur at Kalama Park. I guess I just wanted to say that. You know, I have no objections to this – to the building of this project. I didn't think that it was going to affect the community in an adverse way of any kind. But anyway, Madam Chair.

Ms. Amorin: Thank you very much Brad for at least letting us know about all the miscellaneous events that take place. We have any other individual that wishes to speak up on this agenda item? Seeing none, public testimony is closed. Jeffrey.

b. Action

Mr. Dack presented the Recommendation.

Ms. Amorin: Corporation Counsel.

Mr. Giroux: What's the timing on the construction as far as this project? I mean, once the church gets its SMA and it's special use permit, does it intend to start building prior to getting the change in zoning?

Mr. Dack: That is the clear intention, yes, correct. They do wish to begin construction before a change of zoning would become effective.

Mr. Giroux: Because my concern is that in 4, your condition no. 4, you say that it must be built in accordance with the plans that were given today, and I've noticed that in your report on page 18, that the height is 32 feet, yet that doesn't comply with the R-2 zoning of 30 feet requirement. I don't want the commission to be put in a position of being a variance committee. That's not our jurisdiction. And if you – well, if you wait to start building to get your change in zoning your height requirement is 35 feet and you'll be clearly within that range. You know, so as far as – because I'm counsel to this commission I have to make them aware of that. But as far as the applicant, it's kind of a decision that they can make. Do you want to modify your plans to conform to the R-2 zoning now or do you want to wait until you get your change in zoning or do you want to get, you know, get a variance? That's all I'm saying is that I would hate for the commission to grant the SMA permit and then ZAED comes and cites them and then we're stuck in litigation because this commission has supposedly granted a height variation by saying that the final construction must be what was represented today. And the commission I think has been put in that position in the past, and I don't want to see it in that position in the future.

Mr. Dack: Yeah, I would certainly think, although it is indicated as 32 feet in the staff report, I do understand the applicant wishes to proceed ahead. I thought I heard some mention during the meeting that they would be willing to go lower and stay within 30 feet. I may have been incorrect, but that's what I thought I heard and certainly I would hope by Corp. Counsel having raised that point, that that's in the record I would hope that could be taken as clarification to them and to the staff report. Thank you.

Ms. Amorin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: May we have a clarification from the applicant as far as – you mentioned a 18-inch fill and 32 feet. So I wasn't really clear on that.

Ms. Amorin: Anthony.

Mr. Riecke-Gonzales: Yeah, I think it's easy to get to about 31 feet, 6 inches. To get to 30 feet from existing grade will be a challenge, but if that's what we have to do, we probably could figure out a way to do it. And where this would actually come up is when ZAED

reviews this for Planning, they'll have it as one of their comments and we will have to demonstrate to them that we either meet the current R-2 zoning or as Corp. Counsel said, we'd have to go for a variance. So I mean, it's looking like we're going to have to do a little bit of redesigning to get us within that 30-foot envelope that would fit the R-2 zoning if they want to proceed immediately which is certainly their intention. As long as the commissioners would understand, I don't think, you know, appearance wise, you know, basically you're going from – you're taking about – we're going to end up taking about three feet out of the building. So it's a little less than 10% so as long as you understand that. I wouldn't want to come before the commissioners again with new elevations that are now three feet lower. So as long as you understand that, you know, the pitch on the roof right now is at about a 7 and 12 for the upper pitch. We'd be going down to about a 5 3/4 to a 6. Something around there. So it changes the pitch a little bit on the roof.

Ms. Amarin: So Anthony are we hearing that you will comply to the 30 feet?

Mr. Riecke-Gonzales: Yes. By changing the pitch on the roof.

Ms. Amarin: Thank you. So Jeffrey will this be a condition imposed?

Mr. Dack: It doesn't need to be a condition because it is a code requirement. However, just as I had suggested there be some added wording to condition no. 4 to allow for modifications to the design that was submitted to you. I was just writing up some similar wording to this effect. So again, this is something that everyone would know on the record as something, can be a modification to their plans to meet the R-2 height requirements.

Ms. Amarin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: As long as they meet the current underlaying zoning building height limit that's fine with me. If they want to pursue a variance with the Board of Variance and Appeals, that would be fine with me too. So, you know, later on, there's an option. So I don't think we should put a condition that the building not exceed. It should just say, it should comply with the underlaying zoning, building, whatever building design. They have that option because I did serve on the BVA and churches did come before us because they wanted a variance for their steeple. So it would be up to the other board to decide if a variance should be granted.

Ms. Amarin: Thank you Commissioner Hiranaga. Jeffrey you want to conclude? Okay, do we have a motion on the floor? Commissioners?

Mr. Hedani: Move to approve as recommended.

Mr. Iaconetti: Second.

Ms. Amarin: We have two motions for this particular agenda item. One is for the zoning which needs to go through to the County Council.

Mr. Hedani: Move to approve for all of the above.

Mr. Hunt: Jeffrey, you want to lead us through it. Don't they need to recommend approval to the Council on the change in zoning and then they can act themselves on the two permits.

Mr. Dack: I honestly don't know which needs to be done before the other. I wouldn't see why they couldn't take actions all at one time, all as one motion. But if you prefer it might be more clean to take them separately, that would be fine.

Ms. Amarin: Corporation Counsel.

Mr. Giroux: Because you're going to comply with the underlying R-2 zoning, yeah you can do them all simultaneously. My concern is that because the staff has found consistency between R-2 zoning and the quasi-public community plan I would want you to take action on the special use permit because that is what makes the R-2 zoning conform with the quasi-public and public quasi-public community plan. And if you took action on that, then taking action on the SMA would then follow and then you can just recommend approval of the zoning to go forward to the County Council. So you can do it all at one time, or you can take it piece by piece and say, take a motion on the special use permit, have that passed, take a motion on the SMA permit, have that pass and then take a motion to have the recommendation of approval of change in zoning be transmitted to Council.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: My preference is to address each item separately because I think, you know, a change in zoning is a very serious matter and I don't think it should be combined with approval of a special use permit or a SMA permit. I think a change in zoning is a significant action and I think it should be separated. So I would prefer handling each request separately.

Ms. Amarin: Thank you Commissioner Hiranaga. So first item county special use permit in the R-2 Residential District. Can we have a motion to approve.

Mr. Iaconetti: So moved.

Mr. Hedani: Second.

Mr. Hiranaga: Point of order, did his motion fail or what happened to –

Ms. Amarin: Okay, I'll retract that. We had a motion on the floor by Commissioner Hiranaga to accept all.

Mr. Hiranaga: No, Hedani. Hedani. Motion by Hedani.

Mr. Hedani: Why don't I just retract my motion with the approval of the second.

Ms. Amarin: Thank you Commissioner Hedani. So we have a motion on the floor for the county special use permit by Commissioner Iaconetti. And who did the second, was it Hiranaga or Hedani?

Mr. Hedani: Second.

Ms. Amarin: And seconded by Commissioner Hedani. Any discussion? Commissioner Hiranaga.

Mr. Hiranaga: Just looking at your site plan, I noticed that you have an area designated for bus parking. Is that required by County Code?

Mr. Riecke-Gonzales: As far as I know bus parking would not be required by County Code, but a loading zone I believe is. And so the bus parking is also the loading zone.

Mr. Hiranaga: So is that the required land area of a loading zone?

Mr. Riecke-Gonzales: It is. It's 12 feet by 35 feet. And I believe we have two that are required. So it would be a total of 24 feet by 35 feet.

Mr. Hiranaga: So that bus parking area meets the loading zone requirement?

Mr. Riecke-Gonzales: I guess the only other – just wanted to say that again, if you would consider eliminating those two stalls along South Kihei Road which exceed the setback of the proposed chapel. Something to consider.

Mr. Riecke-Gonzales: I think we would be very open to doing that.

Ms. Amarin: Thank you.

It was moved by Mr. Iaconetti, seconded by Mr. Hedani, then

**VOTED: To Accept the Recommendation of Approval of the County
Special Use Permit.**

**(Assenting - W. Iaconetti, W. Hedani, K. Hiranaga, J. Guard,
J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amarin: Motion carried. For this Special Management Area Use Permit. Do we have a motion?

Mr. Hedani: So move.

Mr. Iaconetti: Second.

Ms. Amarin: Motion by Commissioner Hedani, seconded by Commissioner Iaconetti. Any discussion? Seeing none, – Jeffrey.

Mr. Dack: I'm sorry, could I suggest just again a clarification that the condition no. 4 we suggest it be, the wording be again, "the preliminary site architectural plans may be modified by ...(inaudible)... administrative approval of a greater number of grass parking spaces. I'm also hearing Commissioner Hiranaga, the elimination of two spaces so we need to throw that one in there too so that if they do eliminate those spaces that would be consistent with the condition and then a third item is reduction in the height to meet the current R-2 requirements, if that could be amendments to condition 4, I think that would incorporate all the discussion I heard.

Mr. Hiranaga: I my intent was not to make it a condition for their consideration.

Mr. Dack: It was just a clarification that I'm recommending now that the wording be added so that they are allowed to make that possible reduction but not a requirement. That meets exactly what you've wanted.

Mr. Hiranaga: Okay, thank you.

Ms. Amarin: Okay, getting back to the motion on the SMA.

Mr. Hedani: Move to approve as amended.

Mr. Iaconetti: Second.

Ms. Amarin: Approve as amended by Commissioner Hedani, seconded by Commissioner Iaconetti. Any more discussion?

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

**VOTED: To Accept the Recommendation of Approval of the Special Management Area Use Permit, as Amended.
(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, J. Guard, J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amarin: Motion carried. For the third item, change in zoning from R-2 Residential District to P-1 Public Quasi, do we have a motion on the floor?

Mr. Hedani: Move to approve.

Mr. Iaconetti: Second.

Ms. Amarin: Motion by Commissioner Hedani, second by Commissioner Iaconetti. Any discussion?

Mr. Hunt: Just to clarify, the approval is that you're making a recommendation to the Council to approve the change in zoning.

Mr. Hedani: Right.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Just clarification from staff. So are we going to go five feet on the height of the wall around the parsonage and six feet where the proposed eight-foot wall is going to go or are we doing six feet all the way around or?

Mr. Dack: I haven't heard that as a condition. The only condition that's been recommended by staff relative to walls was that there be one required adjoining the two – the properties that the two folks who testified and that that be no more than six feet. If there are to be five-foot walls or as mentioned that would be a combination of as minimum as required by Code and then at least at this point, left up to the applicant. It's not any conditions I've heard.

Mr. Hiranaga: Okay, thank you.

Ms. Amarin: Thank you. Getting back to the change in zoning to be recommended to Council. Any more discussion?

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

**VOTED: To Accept the Recommendation to Recommend Approval of the Change in Zoning from R-2 Residential District to P-1 Public/Quasi-Public District.
(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, J. Guard, J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amorin: Motion carried. That completes this item. Thank you.

Mr. Spence: Thank you Commissioners.

A recess was called at 12:11 p.m., and the meeting was reconvened at 1:15 p.m.

C. NEW BUSINESS

- 1. ELLEAIR HAWAII, INC. requesting a Environmental Assessment determination on the Final Environmental Assessment (FEA) prepared in support of the Shoreline Setback Variance application for the Proposed Demolition of the Remaining Maui Palms Hotel Structure of the Former Maui Palms Hotel, a small portion of which falls within the shoreline setback area at TMK: 3-7-003: 007 and 009, Kahului, Island of Maui. (EA 2006/0013) (SSV 2006/0006) (T. Abbott) (Draft EA was reviewed at the January 23, 2007 Maui Planning Commission meeting. Copies of the FEA document were circulated to the Maui Planning Commission at its June 12, 2007 meeting.)**

The EA trigger is the work within the Shoreline Setback area. The SMA Permit for the Maui Palms Redevelopment Project was previously approved by the Maui Planning Commission. The Maui Planning Commission is the accepting authority for the EA. The public hearing on the Shoreline Setback Variance will be scheduled for a future date after the Chapter 343, HRS process has been completed.

The Commission may act to issue a Findings of No Significant Impact (FONSI) on the Final Environmental Assessment.

Mr. Thorne Abbott: Madam Chair and Commissioners, good afternoon. Earlier this morning you heard from Sam Hironaka. So I just wanted to make that connection of the public

testimony to this project.

Mr. Abbott went over the department's memorandum.

Mr. Mark Roy: Thank you Thorne. Good afternoon Madam Chairperson and Members of the Maui Planning Commission. My name is Mark Roy from Munekiyo and Hiraga. We're here today representing the applicant for the project, Elleair Hawaii, Inc. The project before the commission today involves a proposal to demolish the last remaining building of the former Maui Palms Hotel. The scope of the demolition would include the removal of a portion of the building that currently encroaches into the shoreline setback area of the property.

With me today are members of the project team, seated behind me and to my left we have Kazuo Sugiyama, Director of Human Resources of Elleair Hawaii. We also have Mr. Koichi Kaminaga, Vice-President of Elleair Hawaii, Inc., and we also have the project architect working with Elleair, Mr. Henry Inouye.

The property for the project is located as I'm sure many of the commissioners know in Central Kahului on the Maui Beach/Maui Palms Hotel property. It is located makai of Kaahumanu Avenue and adjacent to Kahului Harbor.

In regards to property location, a little bit more specifically, it's located between the Kahului Beach Road and the Maui Seaside Hotel.

Once two separate parcels of land, the property was consolidated by the applicant in 2005. So these are the former two parcels that is now a consolidated property. And it's also important to note at this point that the white area that you see in the middle here is actually a parcel of land, a Federally owned parcel of land which is owned by the U. S. Coast Guard and contains a navigational aid utilized by vessels using Kahului Harbor. And as I say, this occupies a portion of the common boundary between the two preconsolidated lots.

In regards to the building which is proposed to be demolished, it represents the last remaining structure of the Maui Palms Hotel. It was constructed in 1963 and as such the building is considered to be historic. The building consists of two stories consisting of a 3,000 square foot footprint which provides approximately 6,000 square feet in gross floor area. The building at present is utilized by Maui Beach Hotel to support hotel accommodation and storage functions for the hotel.

Here we have site plan of the consolidated property. Here we have the location of the building which is proposed for demolition. We have Maui Beach Hotel to the west and also we have the Maui Palms or the former Maui Palms Hotel site which is currently vacant and grassed and graded off to the east of the building which is proposed to be demolished.

Here we have a photo of the building. As I mentioned before it is a two-story building which provides approximately 6,000 square feet in space. This photo just to note was taken from the shoreline side of the building looking toward Kaahumanu Avenue.

In order to proceed the project requires the following regulatory approvals be obtained. First we need a special management approval, an environmental assessment, a shoreline setback variance and the respective demolition permits from Development Services Administration. As Thorne noted in his opening remarks, the SMA approval has already been obtained by the applicant. The demolition of former Maui Palms Hotel structures was included within the scope of the SMA use permit which was approved I should say for the Maui Palms redevelopment project by the Maui Planning Commission on January 22, 2002. Important to note at the time of SMA approval which I highlighted in the previous slide lay entirely outside of the shoreline setback area for the property.

Since SMA approval however, the Maui Beach/Maui Palms Hotel parcels as I noted have been consolidated by the applicant into a single parcel of land. The lot depth criteria and the shoreline setback area for the newly created lot increased slightly as a result of the consolidation of the property. This now places a portion of the building, and you'll see it's a very small portion into the shoreline setback area for the property.

Just briefly, and I hope commissioners can make this out, we have the shoreline setback line going through the property like this and this is the new shoreline setback line based on the consolidated property and the setback from the shoreline is approximately 118 feet. And as noted here on the plan, we have a yellow portion, as you can see it's very minor actually encroaching within the shoreline setback area. So that's highlighted in yellow for commissioners.

Here we have an annotated building photo of the same building that I mentioned previously. This one highlights the portion, the approximate portion of the building which is actually encroaching into the shoreline setback area.

As demolition within the shoreline setback area is not currently permitted by shoreline rules with Maui County, removal of the shoreline encroaching portion, approximately 120 square feet requires that a variance first be obtained from the Planning Department. Use of the shoreline area also requires preparation of an environmental assessment and as such, the shoreline setback variance application for the project as Thorne noted again in his opening remarks is currently being held in abeyance by the Planning Department pending completion of the EA process.

In an effort to complete the EA process, we are here today to respectfully request the commission's review of the final EA for the project which we believe responds to all comments received during the draft EA public review period. It is our hope that review of

the final EA will allow the commission to proceed today with the recommended issuance of a finding of no significant impact so that the project may proceed for determination on the pending application for a shoreline setback variance.

With that, I'd like to conclude my presentation. At this point, I'd like to say that we'd be happy to answer any questions the commissioners have on the project. Thank you very much.

Ms. Amarin: Thank you very much. Commissioners, you have any questions? Commissioner Hiranaga.

Mr. Hiranaga: Since I wasn't present during the submittal of the draft EA, I guess I have a couple of questions just to understand what's happening. I guess when you consolidated the property you had to have a new certified shoreline survey prepared and that determined the setback which then determined that a portion of this building encroached into the setback area, is that what occurred?

Mr. Roy: Yeah, that's more or less what happened. We had two properties before the consolidation and they had each respective shoreline setback line for each property. When they consolidated it into one parcel of land, again, they had a certified shoreline and based on the certified shoreline they recalculated the shoreline setback line to that one consolidated lot and it actually changed the setback line to actually encapsulate a slight section of that building.

Mr. Hiranaga: I guess question for staff. Why is a variance required to demolish a structure that exists in the shoreline setback area?

Mr. Hunt: Generally speaking you want to regulate development within the shoreline setback area. What has happened in this case is the rules were written that an actual demolition required that. We're in the process of changing that so that a demolition wouldn't require that but it hasn't been adopted yet.

Mr. Hiranaga: Okay, thank you.

Ms. Amarin: Okay, any more questions? Commissioner Hiranaga.

Mr. Hiranaga: There's mention of a seawall built in 1963, what happens to that seawall that's – has that been claimed by anyone, the state or is it in the private property or where is this seawall that was uncovered by a storm located.

Mr. Roy: This was actually a comment that was raised by I believe Commissioner U'u who is not present with us today. What we did during the preparation of the final EA, we went

essentially back to the drawing board and tried to research as much information about the seawall as we could. Mr. Sam Hironaka who joined us this morning gave some testimony. We actually interviewed Sam because he was the original founder of Maui Beach Hotel and has a lot of familiarity with what occurred during that time and we did an interview with Sam. We sat down with him and to summarize the interview for the commission, there was a tsunami which occurred in the Hawaiian Islands in 1960 I believe which actually impacted the harbor somewhat and eroded some of the coastline along the shoreline of not only Elleair's property which at the time was Maui Beach Hotel's property but also other properties. So what occurred in 1963, was that seawall was put in place to provide some level of protection to the existing properties along the Kahului Harbor. So that's what came out of the interview with Sam and we've had coordination with the staff planner of the Planning Department on this issue. I believe the status of the seawall is existing nonconforming based on the date of constructed.

Mr. Hiranaga: Was that constructed by the Corp of Engineers or by private parties, the seawall?

Mr. Roy: I believe based on Sam's interview was that they were assisted by the owner of the property at the time which was I think A & B and HC & S and they actually assisted with the construction of that seawall in 1963.

Mr. Hiranaga: Thank you.

Ms. Amarin: Thank you. Any more questions? Seeing none, thank you.

Mr. Roy: Thank you very much.

Ms. Amarin: Do we have any individual in the audience that wishes to come forth on this agenda item?

The following testimony was received at the beginning of the meeting:

Mr. Sam Hironaka: My name is Sam Hironaka. Born and raised on Maui in Paia. I'm here to present brief testimony on behalf of Maui Beach, Maui Palms Hotel on the demolition of the last two-story building, you know, on the former Maui Palms Hotel site. This has something to do with the shoreline setback that the existing building protrudes the shoreline setback by just a few feet but we're going to plan to tear it down and reconstruct a new Maui Palms Hotel some time in the future.

I was instrumental in organizing and founding the Maui Beach Hotel back in 1966. The construction of which was completed in June of 1968. On April 1, 1979, we were successful through negotiations with the principals of Maui Palms Hotel in purchasing or

acquiring the Maui Palms Hotel which was organized and originally built by Mr. Lyle Guslander who in 1954, on a very tight budget built what is known today as first so-called resort type of hotel on Maui. Being that the property was on a leasehold basis, Mr. Guslander being an astute sales – I mean, business person saw the future on a leasehold basis from Alexander and Baldwin, the landowner as being very, very limited. So he sold out – he practically gave the hotel to Mr. Norman Hondo when he left for, when Mr. Guslander left for Kauai where he could purchase land in fee simple and build a hotel there where he made good fortune before he passed away.

Ms. Amarin: Mr. Hironaka, could you conclude in 30 seconds?

Mr. Hironaka: Yes. So I'm very familiar with the situation. I got it from Mr. Norman Hondo who was at that time president of Maui Palms Hotel and I was one of the principals on behalf of Maui Beach Hotel in ...(inaudible)... successful acquisition of Maui Palms Hotel in 1979. So I'm very familiar with the property and background of Maui Palms Hotel.

At that time I was office manager of Kahului Development Company and I knew how the Maui Palms Hotel was built. I'm here to answer any questions that you may have.

Ms. Amarin: Thank you very much Mr. Hiranaka. Do we have any questions from the Commission? Seeing none, thank you.

Mr. Hiranaka: Thank you.

This completes the testimony received at the beginning of the meeting.

Ms. Amarin: Public testimony is closed. Thorne.

Mr. Abbott presented the Recommendation.

Ms. Amarin: Thank you. Do we have a motion on the floor Commissioners?

Mr. Iaconetti: So move.

Mr. Guard: Second.

Ms. Amarin: We have a motion by Commissioner Iaconetti, seconded by Commissioner Guard to approve. Any discussion? Applicant did you wish to say?

Mr. Roy: Wish to thank the Commission. Thank you.

It was moved by Mr. Iaconetti, seconded by Mr. Guard, then

**VOTED: To Accept the Final Environmental Assessment and Issue a Finding of No Significant Impact (FONSI) Determination.
(Assenting - W. Iaconetti, J. Guard, K. Hiranaga, W. Hedani, J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amarin: The motion is carried.

D. COMMUNICATIONS

- 1. MR. ERIC CRISPIN of SVO PACIFIC, INC. requesting a determination that Condition No. 4 of the Special Management Area Use Permit and Shoreline Setback Variance for the Kaanapali North Beach Subdivision has been complied with the submittal of the Final North Beach Subdivision Transportation Management Plan Update (April 2007) for, properties situated at TMK: 4-4-014: 003, 004, 005, & 006, Kaanapali, Island of Maui. (SM1 88/0023) (SSV 88/0002) (D. Shupack)**

Intrawest for Lot 4 will be submitting a separate transportation management plan update for its project at the appropriate time in compliance with Condition No. 4.

The Commission may take action on this request.

Mr. Hunt: Since Dan's not here, we'll turn it over to the applicant real quickly. You need a few minutes?

Ms. Karlynn Kawahara: Yes. Sorry, Chair if you don't mind if we can have a few minutes to set up.

Ms. Amarin: Okay. We'll recess for five minutes.

A recess was called at 1:34 p.m., and the meeting was reconvened at 1:38 p.m.

Ms. Amarin: Calling upon Dan.

Mr. Dan Shupack presented the Maui Planning Department's Report.

Ms. Karlynn Kawahara: Good afternoon Chair and Members of the Maui Planning

Commission, my name is Karlynn Kawahara and I'm a planner with the firm of Munekiyo and Hiraga and we are before you today to present the update to the update to the North Beach Transportation Management Plan as prepared by Charlier and Associates for Starwood Vacation Ownership Pacific Inc.

I would like to begin by introducing our project team that's here today. Again, myself from Munekiyo and Hiraga. We have Jim Charlier from Charlier and Associates who actually prepared the update to the North Beach Transportation Management Plan. We also have Keith Niiya, who is the project's traffic engineer. Jennifer Bauchner, the hotel manager for the Westin Kaanapali Ocean Resort Villas. Eric Crispin, Vice-President of Development for Hawaii for Starwood. We have Dennis Ebrill, who is the Senior Vice President for Starwood Hotels and Resorts worldwide and we have Mr. John Rapacz, who is the legal counsel for Starwood.

At this time I would like to invite Eric Crispin from Starwood to provide us with a project overview.

Mr. Eric Crispin: Good afternoon, Madam Chair, Members of the Commission, Mr. Director, my name's Eric Crispin, I'm Vice-President of Development, Hawaii, for Starwood Hotels and Resorts worldwide. Starwood's long-term commitment to Maui and to the quality of life of its residents, employees and its visitors is evidenced by our presence on Maui which spans some four decades with the continued operation of the Sheraton Maui. Also, we own and operate Westin Maui Resort and Spa and the Westin Kaanapali Ocean Resort Villas. We're perhaps better known by our brands with over 11 properties in Hawaii, Sheraton, Westin, W, Luxury Collection, St. Regis among them. We employ over 6,000 associates and rank among the state's largest employers.

As you'll see in today's presentation we're keenly aware of the issues facing West Maui including traffic. Rather than merely meeting our minimum obligations we've chosen to take a leadership position in being part of the solution. Working with our internal staff and with our team of consultants we've brought on board a nationally renowned transportation planner, Mr. Jim Charlier to help us with innovative practical solutions to transportation on West Maui. I've worked with Jim for quite a long time. Jim brings a wealth of knowledge and experience to the table. He's highly sought after all over the country with numerous successful plans and projects implemented in numerous resort destinations. Jim also has done extensive work throughout Hawaii in each of the four counties. We believe the solutions to traffic involve moving people not sheet metal as Jim likes to say. We're excited about the update to the North Beach Transportation Master Plan and to the solutions that Jim and his staff have come up with and we trust you will be too.

At this time, I'll turn it back over to Karlynn. Thank you very much.

Ms. Kawahara: Thank you Eric. I'd like to continue our presentation. Our report to you today will basically cover a brief history of the Kaanapali North Beach Subdivision, the project history, and then I'll turn the presentation over to Jim Charlier, who will talk about Starwood's ongoing mobility measures and the actual North Beach Transportation Management Plan Update itself.

For the background, the Kaanapali North Beach Subdivision was subject to an SMA back in 1988 for the subdivision action of the overall project. There was also a shoreline setback variance that was granted for the subdivision because a action was being taken within the shoreline area and the subdivision that was created includes four lots designated for resort development as well as three parks, the Kahekili Park, the open space recreational park and North Park and to illustrate that I have the subdivision plan. So first with the parks, or to orient you first of all, here is Honoapiilani Highway, Kapalua is on this side, Lahaina Town is on this side. Ocean is here and these are four lots that were created for resort development. We have lot 1, lot 2, lot 3 and lot 4. The three parks that we have within the subdivision, we have Kahekili Park to the south. The open space recreational area in approximately the center of subdivision and then we have North Park on this end here. Although it's not designated as a park there is a 150-foot shoreline setback that was designated in the subdivision.

Lot 1 is currently owned by Starwood as Dan mentioned which includes the Westin Kaanapali Ocean Resort Villas. It received approval in 1998, and was fully operational in I believe July of 2005. Lot 2 is also owned by Starwood. The Westin Kaanapali Ocean Resort Villas North project received SMA approval in October of 2004 and is currently under construction. Lot 3 is owned by Starwood and we do have a pending special management area application with the Planning Department. Lot 4 is owned by Intrawest Place Making, the Honua Kai Resort received SMA and planned development approvals in February of 2005 and is currently under construction.

Briefly, I'd like to go over two conditions of the overall and I'm going to try and make this as clear and concise as possible but this 1998 SMA approval, this is for the overall subdivision. There are basically two SMA conditions that we wanted to talk – or SMA permits that we wanted to talk about in relation to this North Beach Transportation Management Plan.

So first the overall subdivision approval which was done in 1988. There were two conditions, Condition no. 4 which essentially is the requirement for the creation of this North Beach Transportation Management Plan and the updates within two years of the opening of each project and also Condition no. 8, which limited the number of units that could be built at the North Beach Subdivision. I won't read this whole condition but essentially this is that applicants would have to create a North Beach Transportation Management Plan with the goal of reducing employee traffic by 30% within the entire subdivision. And as Dan

had mentioned this condition because it's for the overall subdivision approval for North Beach it applies to every single lot. So Lot 1, 2 and 3 for Starwood will need to do updates to the North Beach Transportation Management Plan as well as Lot 4 for the Honua Kai project.

As Dan mentioned, an update to the original North Beach Transportation Management Plan was reviewed and concurred upon by the Planning – I'm sorry, that was administratively done in May of 1997, and again, subsequent projects within the North Beach Subdivision will submit updates to the NBTMP in order to comply with Condition no. 4 of the original subdivision SMA approval.

Condition no. 8 of this original subdivision approval basically limited the number of units that could be built at the North Beach Subdivision to 3,200 hotel rooms or units. Therefore, when the planning commission at that time created the goal of the NBTMP to reduce by 30%, it's our understanding that they were operating on the assumption that only 3,200 as a maximum number of units could be built at the North Beach Subdivision. Therefore, the reduced traffic would be equivalent to traffic generated by about 2,240 units.

The second SMA approval that I wanted to talk about was the Lot 1 approval and this one was a little bit unusual in that although it was only for Lot 1, the SMA further reduced the number of units that could be actually built at the overall subdivision. So Condition no. 8 of that 1998 approval, further reduced the amount of units that would be allowed from 3,200 units to 1,950, and this was a 39% reduction of the overall number of units which should then have a corresponding reduction in employee traffic. And again, thus since the Lot 1 SMA approval further reduced the number of hotel and condominium units, the 30% goal which was originally set by the 1988 SMA approval was actually exceeded by that 39% reduction of the number of units. However, Starwood is still proposing additional measures to meet the update goal which would reduce employee traffic by 30%.

Starwood had discussions and will continue to have discussions with Intrawest who is the developer on Lot 4 to coordinate the employee transportation efforts within the North Beach Subdivision. Opportunities for joint effort between the West Maui resorts will be explored and coordination with the Maui County Department of Transportation is ongoing. We did have two meetings with the County DOT Department to talk about the mass transit options and as I believe in their – they alluded to that as well in their comment letter on the NBTMP update.

At this time I'd like to go ahead and turn the presentation over to Jim Charlier who will go on to more detail about the update for NBTMP.

Mr. Jim Charlier: Madam Chair, Members of the Commission. My job is to go through basically two parts of this. The Transportation Management Plan which we prepared for

Starwood is part of a larger package of transportation measures that they're working on on West Maui and it's an integrated comprehensive program. And so to – in several cases to understand specific elements of the proposed plan, it will be helpful for you to understand ongoing things that are part of a larger transportation management program. So I'll go through those quickly first and then describe the plan which I know you have in your packets right after that.

There are four things that are most important, there are many things going on but the four things that are most important right now are the Maui Commuter Needs Survey which West Maui Commuter Needs Survey which many of you know about which was conducted last Fall and which we are now using as the basis for much of our work. The Lahaina Transportation Workshop which I'll describe briefly in a moment. The guest shuttle which Starwood has initiated and an employee shuttle which they have recently initiated. So I'll describe each of those very briefly.

The Commuter needs survey, we feel that transportation demand management should be based on actual factual data and there was a shortage of that. And so we did a survey cooperatively, what we call a travel survey. Some of you may have seen it. We had a large response to it. One of the larger responses we've had to a survey of this sort, almost 2,500 responses gives us fairly precise data. We can really get down on some of the statistics to a small level of error. We had a lot of help with it. Starwood was not the only funding entity and they certainly were not the only employer participating in it. It was a West Maui wide effort. It was kind of fun. A lot of people worked on it, a lot people helped.

Key results were, we now know where people work, who work on West Maui. This includes by the way not just the resorts but restaurants, commercial enterprises, retail and so forth. It was pretty comprehensive. We learned interesting things. About almost 60% who work in West Maui actually live in West Maui. That was a little bit of an unexpected result. And what that leads to is a realization that you sort of have two populations working on West Maui today, the people who live there and the people who don't. So for example, when you look at the length of the commute trip, you have people who have a very short commute and people who don't, and they actually have a long commute. And keep in mind that these numbers, that this is 59% of the workforce and this is 41% of the workforce. So the length of the columns, the height of the columns is intended to indicate the length of the trip not the number of employees and the commute time, of course, mirrors that. So people who live are fortunate enough to live and work on West Maui have a very short commute even by Hawaii standards, but the people who live elsewhere and these are averages. Realize that 56 minutes is the average of everybody who does not live on West Maui. So some people it's even longer than this. They're commuting almost an hour and that's not the day that Honoapiilani Highway breaks down, that's the average.

Most of the bus ridership is from Wailuku and Kahului and a little bit from Upcountry, and

I'll return to that point in a second. People are driving almost across the scale but one of the interesting results we saw which we're very interested in is that of the people who live within two miles of their jobs on West Maui almost 10% walk to work. Enormous implications for quality of life, personal health, traffic on the roadway and that's one of the things we're very interested in seeing expanded and increased as part of our efforts.

Carpooling as everybody probably knows, if you know anything about what's going on on the island is largely the housekeeping force, although, an interesting characteristic of West Maui is that even people in hotel management are carpooling. In fact, some of the people here from Starwood today, carpool to work regularly. So carpooling is certainly very predominant among the housekeeping workforce as we would expect but it also includes really pretty much everybody working on West Maui.

Our purpose today isn't to go into great detail on the commuter survey, but the ah hahs coming out of the study were that that transit is a big part of the solution. Because of budget and other practical real world considerations today, the service is not great especially for people working in Kaanapali because they have to transfer in Lahaina and the County's aware of that and we're working with County DOT on this issue and there are solutions to it.

There's another ah hah which is that remember almost 60% of our workforce actually lives on West Maui and very few of them use transit. That's an enormous potential market to tap and we feel that overall the transit, the latent demand for transit for people who work in West Maui is significant and little bit unexpectedly we think that includes the people actually live on West Maui. It's one of the more significant opportunities that emerge from the study.

There's of course, opportunity for continued expansion of carpooling, and one of the interesting results of the survey and this is why doing surveys like this is helpful is that over 80% of the people who work on West Maui actually come to work and go home without making intermediate stops. That represents a very good both transit and carpooling market. A little bit better than usual.

So all that information is available. I believe it's actually an attachment to the plan as it was printed up for you and color copies are available from Lahaina Bypass Now.

The Transportation Workshop some of you may have attended, a lot of people did. It was held in January at the community center in Lahaina and we had a lot of participation, over 200 participants who signed. A lot of people showed up and didn't sign the sign-ins and so forth. That was a rough going, very interesting, detailed and ultimately very successful review of a wide range of projects on West Maui that resulted in a pretty clear set of ideas about coordination among project sponsors, timing of projects, inter-relations, when can

one project be used as a maybe it's a traffic route for another project during its construction and so forth. I think most including the Hawaii DOT staff and the County Public Works staff felt that it was a useful effort. That information was not attached to your handout but it is available from Lahaina Bypass Now if you need it.

And then a couple more measures. Starwood has initiated a guest shuttle. As you recall from the presentation you have heard so far, the actual requirement for the 30% reduction of trips is employee trips. So this is in addition to that. This is an effort that Starwood has undertaken for a couple of reasons. But the vehicles are nice, not inexpensive but nice, the service is good. It runs, starts at 9:00 in the morning, runs to 10:00 p.m. It is a guest shuttle and those are the ride hours. Stops are adjusted as needed and we can add stops over time and Starwood is thinking about that, paying a lot of attention to this. They're pretty excited about it, quite frankly. The ridership response has been enormous, 4,000 rides in the first month and up to a peak of 9,500 rides in March. The ridership on this service will continue to grow over time. It will fluctuate seasonally with hotel occupancy as you would expect. The service demand has brought us to the point where even though there are five shuttles in place, another one has been ordered and is on its way. It's a significant commitment. It's an ongoing commitment on the part of Starwood.

One of the interesting outcomes of this is that it turns out that the guests really appreciate it. It turns out to be not just a traffic alleviation measure, but a measure that improves the quality of the guest experience for people.

Here's the trend line on the daily impact on traffic on Honoapiilani Highway. As you can see, we're pulling about, very shortly we'll be at about 200 cars a day off the road. More significantly than that, most of these of course, are people going into Lahaina, virtually all of them are. So what we're doing is pulling about 200 cars out of the parking in downtown Lahaina which is a pretty significant impact. It's one of the reasons that this is so popular with guests is that parking in Lahaina is as you all know a challenge not to mention expensive. The impact per month is on a steep trend line too and we believe that we'll shortly be intercepting and taking about 6,000 vehicles per month off of Honoapiilani Highway. So the guests like it, the hotels are happy with it and it's a positive thing all the way around.

Starwood has also initiated an employee shuttle. There is as you probably know, no direct service from Kihei to Kaanapali by the County transit service. The County I know intends to get to that as they can within budgetary constraints and administrative limitations. But because the need is so urgent from the point of view of the West Maui employers, Starwood has stepped up and started running vans to Kihei which the employees who are taking advantage of that, I can assure you, find it extremely valuable. It's a free service and it saves them several hundred dollars a month in travel costs.

So with that sort of broader umbrella of things that are going on, the plan itself then fits into that in addressing the specific requirement that Karlynn outlined for you which is the goal of the 30% reduction of daily employee vehicle trips. That specific goal which was set as part of the Condition 4. It does not include guest trips, does not include deliveries or other things. And the goal as Karlynn noted has been exceeded through the density reduction but the spirit of the original condition was a 30% reduction in employee trips and so we're abiding with that and that is the way we're moving forward. So the planned goal is for an additional 30% reduction above that. So it's a very significant reduction in the number of vehicle trips on Honoapiilani Highway associated with the North Beach, development of the North Beach area from what was originally envisioned at the point that it came to the subdivision process.

Our approach has been to use the actual data, to work from factual information and an understanding of what our employees actually need, what their issues are at the household level, what their costs are and so forth. We tried to design a flexible program. We do a lot of transportation demand management work around the country. Large areas, small areas, regional areas, employers and it helps to have enough flexibility in the program that you can emphasize what appears to be working. If something starts to have – really take off and do well, then you can do more of that. If something else doesn't seem to be really generating a response you kind of say well, that's not working so well. Obviously it's important to continue partnering with Maui County DOT and the other employers on West Maui and we are committed to routine monitoring and reporting to Starwood management. They need to know how this is working so they can assess and manage the program on a continuing basis and as was mentioned by your staff a moment ago, that will form the basis for reporting to you or to the County over the years as additional actions come through the process.

The program that we've designed has four simple elements. West Maui transit enhancements which is we feel the big untapped latent demand market. We know that because we know a lot about what employees have said to us and a lot about what their travel patterns are. We also feel, however, that there's an opportunity for a shuttle service on West Maui itself, internally. Remember I mentioned earlier 60% of our employees actually live in West Maui, a very large, untapped market.

We have a leverage item which I'll describe in a moment that allows us to sort of ratchet up or down the program as needed and we have the commitment which was described to you a moment ago and which is ongoing for transportation coordinator.

So looking at each of those four program elements the West Maui Commuter Needs Survey recommend that increases in transit frequency from the Upcountry to Kapalua route, the Wailuku to Kapalua route, the Kihei to Kaanapali route which doesn't really exist today so the introduction of service there and the addition of stops as some of you may

know if you know the transit system very well, there's a limited number of stops and they're not – they don't serve all of the employment areas. And the County's aware of this, there are some coordination things that need to go on with the State and so forth. But all of that is underway. And then the idea of local West Maui shuttle service. All of these things are in active consideration. Some of them are being worked on, but the Kihei shuttle as I mentioned earlier has already been implemented by Starwood at its own expense.

Now our intent is, and I think it says this fairly clearly in the report, obviously Starwood can't become the County bus agency and doesn't intend to, isn't trying to, a lot of these things will be Maui bus services and what Starwood has said is we want to work with the Maui Bus, we want to be part of it, perhaps financially, perhaps through other measures, making these increases in transit service possible.

The second item in the list of four is the Lahaina employee shuttle, and again, that's the people who live and work on West Maui. Many of them, of course, in and around Lahaina, up at Lahainaluna Road and so forth. And then to add that service, one of the things that we'll do early on is to take that guest shuttle that I showed you a moment ago, and actually add some routes to it early in the morning and at other times of the day that are for employees. So we can pick up people actually at various locations in Lahaina. We're still trying to dial in on what the right locations would be, where do people actually live, what would be convenient. We don't want people driving to park somewhere to get on the bus obviously. No need for that. So that's kind of an exciting opportunity. I think one of the reasons that we're trying to be careful about pulling the trigger on that is that we know that there'll be a pretty significant response. There'll be a lot of demand for that service.

The transportation allowance is something that I don't think you've seen on Maui before. It's the idea that an employer would actually get directly involved in some of the details that they have not typically on Maui. Providing an actual employee parking permit program. Rather than just building a parking lot, lets assign employee parking spaces, lets give employee parking permits, lets manage our employee parking. Once you do that, that opens up these other opportunities. We can trade the parking permit for transit passes which we buy from Maui County Bus Agency. Offer passes on the train, on the sugar train which only works for a couple of connections but would work for those. Provide preferential carpool parking which is done quite widely in the islands and would work well in West Maui. And a parking cash out which says if somebody decides not to take the parking permit and wants cash instead, we would do that. And we're currently, where all of these things are under consideration and planning, they're being worked on, some of the details have to be worked out, because this is a benefits kind of program, we have to be careful that we put it in place carefully, sensitively to employee needs, that it's done fairly and that people understand it and feel good about it so it's not the kind of thing you shoot from the hip on, but it is underway and management at the resorts is pretty excited about it.

We also, as it was mentioned a moment ago, there is the requirement for the transportation coordinator. And that person is Greg Lundberg, who has been designated the transportation coordinator under this Condition 4, and he was unable to be here today and he's represented by Jennifer Bauchner and I thought for those of you who don't know her you might be pleased just to have her step up and say hello.

Ms. Jennifer Bauchner: Good afternoon, and thank you for hearing from us today. It's my pleasure to be here on behalf of Greg Lundberg, who as Jim mentioned was unable to attend due to another commitment that he was unable to change. I am here though to hear your comments and answer any questions that you have later on. Just wanted to let you know that we are very excited at the resort, both management and employees about what's coming as far as these transportation initiatives. Thank you. I'm sorry, I am the hotel manager at the current resort, Westin Kaanapali Ocean Resort Villas.

Mr. Charlier: If you have any hard questions, I'm going to have Jennifer answer them. But Greg and Jennifer working with them and other parts of the management team have these responsibilities obviously, the program administration. They are actively overseeing the shuttle services. They've been – I think I get two or three e-mails a week from these guys on just on how the shuttle's performing and what they're learning from it. The information and education for employees which is a big part of making a program like this work, and then obviously the monitoring and recording to keep the credibility high. Make sure we know what's workings and what's not working. All of that is actively underway.

So the original goal of the program was a 30% reduction in employee vehicle trips. We the measures we've identified have enough punch, and like I say we do this work in a number of places. We have a fair amount of experience with what you can accomplish with demand management programs. It's very common to push this all the way up to 60% using these kinds of measures. So that's our idea of the upper range of the potential for these measures. For obvious reasons we're going to try to hit our 30% goal. Through this kind of combination, this will change over time. This is our initial plan. This is the plan. It's an update. As new plans come in and as IntraWest becomes a more active part of the equation we'll be adjusting all of this and dialing it in. But this commitment is solid. This is our goal.

So just to wrap up. The NBTMP update is one part of a much broader effort. Starwood has committed to being a major part of improving mobility on West Maui including specifically mobility for its own employees. They feel they need to do that just as part of good business and as part of making West Maui a desirable and successful resort destination.

We're committed to TDM program, the Transportation Demand Management Program, at the top levels. Senior management is here today. Senior management is e-mailing me all

the time on details of the program and quizzing me about the proposals. This is not something that is going on and the right hand doesn't know what the left hand is doing. The implementation as I pointed out, many of the key program elements is already underway. And with that, I guess we turn it over for –

Ms. Kawahara: So this basically concludes our presentation on the North Beach Transportation Management Plan update which we submitted to satisfy Condition no. 4, and we are available to answer any questions the commission may have.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: I'd like to recuse myself from this particular item. The Westin Kaanapali Ocean Resort is not a member of KOA, but Starwood has properties that are members of Kaanapali Operations, that includes the Westin Maui and the Sheraton Maui which is a financial participant. So, although there is no direct conflict I'd like to recuse myself from the vote to avoid the appearance of the conflict.

Ms. Amarin: Thank you. Commissioner Iaconetti.

Mr. Iaconetti: Thank you. What percentage of the people actually riding the buses are employees and what percentage of them are vacationers?

Mr. Charlier: Commissioner, by the buses do you mean the Maui County bus system or the guest shuttle system?

Mr. Iaconetti: Well, if you could give them both to me.

Mr. Charlier: Virtually all of the ridership on the Maui County bus system, the Maui Bus that you see go by is employees. And virtually all of the ridership on the guest shuttles that I showed you the picture of and talked about is running from Kaanapali down to Lahaina. Virtually all of that is guests. And then we showed you the guest shuttle, I'm sorry the employee shuttle that Starwood just started up that runs over to Kihei and connects to Kaanapali and that's all employees.

Mr. Iaconetti: This is hardly an example, but I unfortunately had to ride the bus from Lahaina out to Kapalua and I think that there was one employee that stopped off at the Whalers Village and I think I was the only other individual that actually lived here that was on the bus. Everyone else either got off of a ship or came from one of the hotels.

Mr. Charlier: Really? Interesting, interesting. That wouldn't be true of the segment from Wailuku around I don't think, but perhaps it is true for the local movement on West Maui.

Mr. Iaconetti: And the figures you presented if I may, the figures you presented, how many employees actually are using the bus instead of driving from other areas?

Mr. Charlier: Today? You mean in today's?

Mr. Iaconetti: Yes.

Mr. Charlier: This is changing as you probably know because there have been service adjustments to the Maui Bus in the past couple of months and there has been starting in 2008, there will be an increase in service. So that's changing.

It's my understanding that at peak hour the bus from Wailuku to Lahaina and places beyond is full at peak. We've had – there's what I would say about the potential for that market. We think the potential runs into the hundreds and hundreds and perhaps thousands of daily rides if the service can reach a level where people can actually board the bus and go to work. And so the service today due to budget constraints doesn't accomplish that for many people. There's an ongoing conversation that needs to be had down the road about the cost of the service and so forth and all of that is underway.

So when you think about what is the potential for transit ridership for transit routes serving West Maui it's very substantial, but there are many issues of service design and the service schedule, the funding of the service. What kinds of past programs are offered and so forth. Generally speaking we would expect the ...(inaudible)... the percent of trips made on transit is a percentage of the total trips to work. That market in many of our resort communities is at least 30% of the total employee trips. So you're talking about a lot of potential ridership.

I think one of the things that gives Maui Bus a little pause is realizing that as service increases, the demand for service is going to increase very greatly. They want to be in a position where they can respond to that and they want to be a position where they can be responsible about level of service. Many of the routes in the islands operate with standing, people standing for long times. So it's a two-edged sword. I mean, I know you're looking for specifics but what I'm telling you is you have a ...(inaudible)... level of service and as it grows the demand response is going to be enormous. So you really can't judge what the future holds by what's happening out there today.

Mr. Iaconetti: Commissioner Pawsat.

Ms. Pawsat: Yeah, you did do a figure about how many vehicles you tended to get off the road per day I believe, was it 300?

Mr. Charlier: We think just with the guest shuttle, it will be 200 per day shortly.

Ms. Pawsat: 200, but –

Mr. Charlier: It's over a 150 now, yes.

Ms. Pawsat: The guests?

Mr. Charlier: That's just the guests, yes.

Ms. Pawsat: And how many vehicles do you assume is going to be generated from building this –

Mr. Charlier: Well, the number of employees –

Ms. Pawsat: Not employees, I mean guests.

Mr. Charlier: I know that, but I want to –

Ms. Pawsat: No, I want guests. I don't want –

Mr. Charlier: Oh, you just want to talk about the guests?

Ms. Pawsat: Yeah.

Mr. Charlier: Okay.

Ms. Pawsat: Because for me this was supposed to be a transportation plan for guests and employees.

Mr. Charlier: Actually not. Actually not. I'm sorry.

Ms. Pawsat: No? It's on here.

Mr. Charlier: Well, the Starwood is working on efforts that affect both guests and employees but Condition of the – for the North Beach Transportation Management Plan applies to employee vehicle trips. But I'm interested in your question and –

Ms. Pawsat: Approval of a revised North Beach Transportation Management ...(inaudible - changing of tape.)

Ms. Kawahara: Commissioner Pawsat, if you review the background information on the staff report, the actual Condition no. 4 is listed. So the goal of the 30% reduction specifically says that, and it's on the bottom of page 2, "a goal of the Transportation

Management program shall be to reduce by at least 30% the total volume of project employee automobile traffic at the North Beach development.”

Ms. Pawsat: Right, so those two are in contradiction. So which one is it? Is this a legal document?

Ms. Kawahara: This is the SMA condition from the 1998 subdivision approval.

Ms. Pawsat: So this is a typo? I mean, what? Which is it? Because you only have employee because for me if No. 2 is correct under the comments, that would mean you're missing 50% of your presentation which would be strategies for guests which is considerably more cars than your employees.

Mr. Charlier: So we want to catch up with you, where were you reading from?

Ms. Amarin: What page are you on?

Ms. Pawsat: One. Page 1, under Condition no. 4, first sentence.

Mr. Shupack: I believe that was the draft document of the original director's report. If you read, the applicant met with Planning staff to go over draft document and that there were revisions made to those. Those were the initial proposed I guess conditions. If you forward to page 5, it has the actual recommended conditions which were approved by the Planning Commission which is, yeah, page 5 of that report has that Condition 4 that was actually approved. So apologize if that was confusing.

Ms. Pawsat: You mean, the one with like crossed out handwriting on it?

Mr. Shupack: Yes.

Ms. Pawsat: Well, can I cross stuff out on this too and just add whatever I want?

Mr. Charlier: So one way to think about this I think is that as I described the plan addresses traffic, but the goal that was created under the condition applies to the 30% of employee traffic trips.

Ms. Pawsat: Well, I'm saying your plan's insufficient and should include guests as well because that's a much greater market for that and because it kind of seems like you did a big stuff on how the County can get your employees to work for you and then you guys say you're going to implement this really quickly and it just makes me suspicious that as you manage your parking at your hotel, you just won't give employees who want to work, who want to drive, you won't give them parking there and they'll be forced to take public

transportation which won't be your shuttle because the County is the one primarily responsible for local people who are getting your employees to work. So I think you're concentrating on the wrong group of people to get into shuttles completely.

Mr. Charlier: So as we described briefly, the service that has been initiated from Kaanapali down to Lahaina is a guest shuttle. That's the shuttle that is reducing traffic by about 6,000 vehicles per month on Honoapiilani Highway. And that's the shuttle that is reducing the parking demand daily in Lahaina by some 150 to 200 cars. We actually agree with you in that the transportation problem involves both guests and employees.

Ms. Pawsat: Well, which is worst, guests or employees? I mean, there's more guests than employees unless you have a one to one ratio for guest/employee which I don't think you do. That would be better than the ...(inaudible)... system.

Mr. Charlier: We actually think that for the resort generated traffic, the employee traffic is more than half of the traffic. And I don't know if that's worse, I'm not sure how you meant worse, but both are important markets, both are very important to the success of West Maui and to the people who live there and want to vacation there. Both are important and both of them are part of the plan. The point that I was trying to make is that the condition imposed a requirement of 30% reduction in employee trips and we were speaking to that condition because that's basically the responsibility we have. Now, the presentation also talked about guest shuttle and guest trips and we think that's important as well and that will be part of the program, it is now and it will be a part of the program in the future. So I think we actually agree with what you're saying.

As far as the comment about not letting employees come and park, I don't know to what extent you've been able to follow the work of the West Maui Community Needs Survey but that was an extremely sympathetic approach to trying to understand the employees who work on West Maui who are carrying fairly significant household level budget.

Ms. Pawsat: Yeah, no, no, no, I understand that it's good for the people who don't want to have a car that's fine. I get that. Don't worry.

Mr. Charlier: Okay. Okay.

Ms. Amarin: Commissioners anymore questions? Commissioner Guard.

Mr. Guard: Thank you. I don't know if you'd be able to answer it or someone from Starwood, are there any measures to try to improve guest ridership on either buses or shuttles because a lot of these guys come in, drive from the airport, park their and leave it there for the week?

Mr. Charlier: Well, the keys to that will be having the stops located closer to the specific resorts and you probably know today the stops are not – there are not many stops and they're not always in locations that would work very well for guests. We have – on the list I showed earlier was working on the stops, working on location of stops and perhaps even some of the improvements to the stops and coordinating with the transit agency as they grow their service. Meeting some of those trips either with internal shuttle service or as part of the two shuttles we described that are operating in West Maui between Lahaina so that people who can't get all the way where they're going can transfer. We do think that eventually I can't remember how many meetings you've been into where we've talked about this, but we believe that if you can create a good environment where people can move around without their vehicles, then you can begin to penetrate the airport to resort market. But if people come from the airport to the resort and the first thing they feel a need for is a car, then they're just going to be looking to rent a car somewhere on West Maui and that doesn't really work that well. So we do think that the long term potential for intercepting people at the airport and having them not even rent cars, the idea of a car free vacation is something that does have a lot of potential West Maui and something that is part of our future. But the harder part, the part that needs to be done first is to create the kind of environment of West Maui where you don't need to drive to get around. And then it's easier to convince people to not a rent a car at the airport.

Mr. Guard: Offering incentives, etc., at the first point of contact with the guests reserving the room to offer lava flows or you name it.

Mr. Charlier: Even before they get here. There's an idea I hadn't had. But the idea actually is and we've done this in a number of markets, the idea actually is that because you have so many repeat guests that as they become comfortable with the idea of why are we even renting a car, we don't need it then even before they come they plan not to rent to a car. They don't make the advance reservation. You really have to get to people before they even make their final travel plans to come to Maui. Interesting line of inquiries.

Ms. Amorin: Thank you. I have a question. It's a good program and good offering to the employees, but my concern is how do you guarantee your percentage? Are you going out and extending your program to the other resorts in your area to guarantee your numbers to make it a win-win situation?

Mr. Charlier: I think I'd like to interpret that as three questions. The first one is how do we make sure we actually get the 30% and that's where the transportation allowance gives us the leverage we need because we can use the parking incentive, the bus pass, there's a number of financial things we can do that can bring us to 30% within the three Starwood managed properties. So my advice to the client has been that I'm comfortable that 30% is achievable, it's been done many places, many times, there's no reason why it can't be done here. We actually think the range of alternatives we've identified have a potential

impact of up to 60% if you push them that far and we don't have to get there. So we think there's plenty of room for this program to succeed.

Another part of the question you asked is, should we collaborating and cooperating with other West Maui employers, and of course we should. This will work best if it's an effort that is shared by a number of employers. Starwood has helped to do exactly that. The West Maui Commuter Needs Survey was a cooperative effort of most of major employers, all of the major employers and many of the employer on West Maui not just lets do it and give you credit but they were involved in circulating the surveys, designing the surveys, helping boost the response, they challenged the numbers when they came back in. They asked for interpretation, they asked questions. So there was a lot of involvement in that survey. It was a team effort on the part of the employers. The Lahaina Transportation Workshop was the same kind of thing. There was really no significant property owner or developer or public citizen for that matter on West Maui who was not at least to some degree involved in that effort. And it was seen as a cooperative effort. Obviously in both cases, Lahaina Bypass now has ended up being sort of that organization that pulls together that kind of collaboration and cooperation. And so Starwood has helped to say that's a great way to go, lets try to make Lahaina Bypass now successful.

But more specifically we see opportunities within Kaanapali and between resorts in the area to eventually collaborate on transit service, perhaps share effort on various kinds of programs, share information on programs. Well, obviously we'll be doing that with Intrawest but the answer is basically yes. But keep in mind that Starwood does not have responsibility for making sure that all of the other resorts on West Maui achieve a 30% reduction of vehicle trips. They only have responsibility for their own, the four lots.

Ms. Amarin: Thank you. I'm just thinking about a win-win situation and getting everybody involved and doing their fair share. Thank you. Commissioner Pawsat followed by Commissioner Hedani.

Ms. Pawsat: So there's cooperation between all the hotels or any thought on your hotel about starting a shuttle service between this development and the airport?

Mr. Charlier: Not yet. Do you think that's a good idea?

Ms. Pawsat: Yes, I do.

Mr. Charlier: Okay.

Ms. Pawsat: And I think you should encourage 30% of reduction each year by enforcing that the people that use your developments, it start being required that they take that shuttle from the airport to Lahaina, 30% reduction rate at the same pace as the 30%

reduction rate of the employees.

Mr. Charlier: As you know, as we've talked, that's not actually a condition of the subdivision, but the idea –

Ms. Pawsat: I haven't heard it from – I have not heard the County Council say that yet. I mean, I don't know what the legality of this document is attached and if the draft one was –

Ms. Amorin: Corporation Counsel, you want to comment?

Ms. Pawsat: You know, the final one was a typo from the draft or because the final one has cross-outs on it and says project. Project, project. It just says project, it doesn't even – project employees, and they cross out – so I don't even know what that means or is that for construction?

Ms. Amorin: Lets hear from Corporation Counsel.

Mr. Giroux: Joan, your document has something scratched out on it? I have a July 19, 1998 supplemental director's report, I guess. Exhibit 1.

Ms. Pawsat: No one's got a cross out. Page 5, No. 4.

Mr. Giroux: Does it start with Exhibit 1?

Ms. Pawsat: It's under the recommendations. He said that the first one was a draft settlement. So these are recommendations and you go back to the recommendations to No. 4, it says, the transportation program shall be to reduce by at 30% the total volume of hotel, crossed out, project employee automobile traffic.

Mr. Guard: Is that because it's not a hotel any more?

Mr. Giroux: Well, just reading the language, I'm reading pretty much the underlined part, the last sentence is, in the event that there is a dispute over the establishment of the revised goals or implementing measures, the planning commission shall review the matter and determine the appropriate goals or implementing measures. So according to language it looks like the planning commission would ultimately review these goals, but you can talk to the Planning Director and see if that's their read on it too.

Mr. Shupack: I'd just like to clarify as well.

Ms. Amorin: Dan.

Mr. Shupack: Dan, from the Planning Department. I pulled this actually from the actual file, official file that we have at the Planning Department. But I just wanted to say that if you look at the 1996 report as well as the 2007 update, they both use the original text that was in the original not the crossed out one which says hotel employee automobile traffic. So, yeah I think it's safe to say that – and that's what the applicant is going off of in their report as well. Not the – I guess what I'm saying is you can just ignore whatever's crossed out there. You know, I use that because that was what was officially on file and I don't know who crossed it out or what.

Mr. Giroux: Yeah, Joan, I don't see the hotel part being crossed out and then the insertion of project.

Mr. Shupack: It's on page 5 of the 1988 report, supplemental director's report.

Mr. Giroux: Because obviously the first sentence is that the plan is to incorporate both, the employee and the guest traffic. But it appears that the more specific language and since No. 2, although in this it has the hotel crossed out, it's obvious that it's, it's referencing to employees, employees of the hotel or of the project seems to be referencing to the same idea that it's employees not of guests.

Ms. Pawsat: Right, but then we're back to the same question, it's No. 1, I mean too, I mean right there it clearly says guests and employees.

Mr. Giroux: Right I mean, I agree with you. I believe that the plan does have to incorporate but as far as a goal which is No. 2, a goal is to reduce the 30% total volume of –

Ms. Pawsat: Use goal.

Mr. Giroux: The employee automobile traffic in the North Beach development.

Ms. Pawsat: Yeah, their goal is to do that.

Mr. Giroux: Well, the goal of the plan.

Ms. Pawsat: Well, who wrote this? A goal of the Transportation Management Program, that's them isn't it or is that the County?

Mr. Giroux: Well, this is a condition of an SMA which is saying that part of what they need to do is do this project to set out a plan.

Ms. Pawsat: So a condition was set by the commission that they reduce their 30% total volume or did they just propose that?

Mr. Giroux: No, that's part of the condition from what I'm reading.

Ms. Pawsat: Okay. Well, when was this condition made?

Mr. Giroux: In 1988 I believe. July 19, 1998.

Ms. Pawsat: Well, that's another thing I mean, it's completely outdated. I mean, it's the '80's I mean Gordon ..(inaudible)... is that his name? Richard ...(inaudible)... or whatever?

Mr. John Rapacz: Madam Chair?

Ms. Amorin: Yes, Mr. Rapacz.

Mr. Rapacz: Thank you. John Rapacz on behalf of Starwood. I would agree with the Deputy Corp. Counsel. It is confusing to have a word written and crossed out but either way it's employee traffic whether we call it hotel or whether we call it project, it's still employee traffic at 30%.

Ms. Pawsat: Okay, well just for the record, I think it should be employee and guest.

Mr. Rapacz: That's fine. Also there was an update which the staff planner handed out for May '97, I believe.

Mr. Shupack: It was approved May '97.

Mr. Rapacz: Approved May '97. So there has been an update 10 years in between. That version refers just to clarify, refers to the hotel employee reduction of 30% traffic. Okay, so if there was any confusion in the '88 one it's been cleared up in the '97 plan.

Ms. Amorin: Joan is it much clearer to you now?

Ms. Pawsat: No.

Ms. Amorin: Thank you. Commissioner Hedani.

Mr. Hedani: Jim, for clarification I think what would be helpful for the commission is that from the efforts that the applicant in this particular case has made they provided free employee shuttles from Kihei to the project, right? And they provided free guest shuttles from the project to what I call South Beach Kaanapali as well as Lahaina at no cost.

Mr. Rapacz: Right. That's correct.

Mr. Hedani: And, I think it's, you know, our company runs a transportation system within South Beach Kaanapali which ends at Kaiala Drive and starts at the Hyatt and we carry approximately a 100,000 per year for free. But I think what's innovative in this particular plan is you're providing a service for employees that get rewards the employees that don't bring their cars to work with free service, probably charges employees that do decide that they want to drive their individual car to work to come to work.

Mr. Charlier: We haven't decided that yet, but that is a tool that could be used in the tool kit if necessary.

Mr. Hedani: Right, so you're considering that. And possibly rewarding those employees that carpool by providing them with a discounted or free parking stall if they bring several other employees to work. The good thing that I like about your plan is that when it's fully implemented it not only will reduce the traffic coming off of your project but all of the other 5,000 units within Kaanapali are going to have to react in self defense in order to retain their employees. And from that perspective you're going to have eventually a much bigger impact than the project itself is going to generate because other employers are going to have to emulate what you do or risk losing their employees to the North Beach properties.

Mr. Charlier: Yes sir. And if I may comment, we take credit for a lot of what was presented today, but the fact is that the effort on the West Maui Commuter Needs Survey was actually led by Human Resource Managers at a number of the hotels who were adamant that we needed to do something about transit service and came forward and were a big part of the motive force for making the whole thing happen. So I think there's no question that all of the resorts in West Maui see the need to become an active part of the solution. The intent is to do what seems right to do individually to cooperate on what we can and then to work cooperatively with Maui County Bus on helping them grow the regional service.

Ms. Amarin: Thank you very much. Any other questions Commissioners? Seeing none, staff planner Dan.

Mr. Shupack presented the Recommendation.

Ms. Amarin: Thank you. I'm going to step back, do we have any public testimony in the audience, any one who wants to speak on this agenda item? Please state your name.

Mr. Lance Collins: Good afternoon, Madam Chair and Commissioners, Mr. Director. My name is Lance Collins, I'm the attorney for West Maui Preservation Association, WMPA. WMPA was a former intervenor in Lot 2 and Lot 4 SMA permit applications previously and is currently an intervenor in Lot 3 of the pending SMA application with Starwood. The WMPA Board of Directors had me come today to convey to you their happiness with Starwood's actions in this particular issue in general. They feel that in this issue Starwood

demonstrates good neighborliness versus being just an extractor of surplus value at the expense of the county.

They also feel that it also is a sad commentary on the lack of the political will of our elected officials to do anything about the transportation problems on the west side. They feel that the significant funding that they gave to the Lahainaluna Kiawe Phase 1A Bypass section was and is much needed on the west side and that their shuttle bus services has created an apparent and now we know statistically significant decrease in the North Beach Lahaina corridor which has been very helpful in terms of traffic flow.

The board is also very, very happy with the coordination between Starwood and Starwood's sort of prodding of other developers and hoteliers to work with the County in terms of increased Maui bus service. We believe that the employee survey was a benefit in terms of gathering data which can help identify areas for improvement.

One concern that we do believe is being addressed is a concern about sort of a transit apartheid where you have guest shuttles and employee shuttles and a move towards integrating that system so that we don't have bus service based on class. They're very much in support of and are very happy that Starwood is taking that position. We think that these kinds of initiatives would benefit the community more if more developers on West Maui acted more like good neighbors like Starwood and did this kind of activity and actually throughout the entire County. And so the Board of WMPA wanted me to come today to express those feelings to the commission.

Ms. Amorin: Thank you very much Mr. Collins. Do we have any questions for the speaker?

Mr. Collins: Thank you.

Ms. Amorin: Do we have any other individual out there who wishes to speak on this agenda item? Seeing none, public testimony is now closed. Commissioners what's your pleasure?

Mr. Guard: Move to approve.

Ms. Amorin: We have a motion on the floor to approve. Do we have a second?

Ms. Pawsat: I have a question. If I vote against this, does this mean the motion will be deferred?

Ms. Amorin: Well –

Mr. Hiranaga: Do we have a second to the motion? There's a motion on the floor.

Ms. Amarin: We have a motion on the floor.

Mr. Hunt: Is there a second?

Mr. Guard: Is there a second or it dies.

Ms. Amarin: Okay, we're not into discussion.

Ms. Pawsat: Okay.

Ms. Amarin: Do we have a second?

Mr. Hiranaga: Second.

Ms. Amarin: We have a second by Commissioner Hiranaga. Any discussion? We're open for discussion.

Ms. Pawsat: So is the motion deferred if I vote against this?

Ms. Amarin: Director.

Mr. Hunt: The motion is to pass or accept the Management Plan. If that motion fails, then we would have to take up another motion whether to deny it or defer it or whatever. So we need five affirmative votes to pass the motion.

Ms. Pawsat: What about making a motion to amend that it include employee and guest parking?

Mr. Hunt: As I understand it, the person who made the motion would have to accept any amendments to his motion and the second would also.

Mr. Guard: We get stuck in this all the time.

Ms. Amarin: Commissioner Guard go ahead.

Mr. Guard: Thank you. We get stuck with previous agreements coming back so this one being 1988 and 1998, this group is going to have to come back again for another SMA that obviously the traffic issues have changed. If this was an issue in 1988, and now coming up 2007 to 2008 for their next project, I would hope they just from comments today that they'll be a little more innovative with their parking plan for their structure and traffic plan for the pali, etc., but to try to change it now might be a little late, 20 years later is my only concern to try to include 30% guest parking as well.

Ms. Pawsat: Why would that make a difference, 30 years later. I would think it would be an update of something that was made 30 years ago?

Ms. Amarin: Dan, you're the staff planner. Apparently the language that has been received by the commissioners with the change – Commissioner Pawsat.

Ms. Pawsat: And then – I kept losing, cause we also said that – I mean, you said it'd come up again in an SMA but it seems like when something else comes up we're going to be told well, you have addressed that at when it was specifically about the transportation and we aren't talking about transportation, and the future ones will be like well, we aren't talking about the transportation issue any more.

Mr. Guard: I guess this SMA was – it was prior agreement, so I guess to change that is I guess, we could, but I don't feel – Feel like they're working in good faith.

Ms. Pawsat: Well, I feel like they're working in good faith too, but I think it's only 50% of what they should be doing, you know, and particularly because they are so concerned with you know, if they want a good market for the transportation I see their guests is must larger market than our employees. So it's not even logical really.

Ms. Amarin: Commissioner Hedani and followed by Director.

Mr. Hedani: You know my perspective on what they've done and the plan that they've presented is that the 1988 requirement at the time the SMA was granted states 30% tied to employees whether you call it hotel employees or project employees, doesn't matter. It was because it was being switched from a pure hotel to a time share type of a interval ownership project that the language probably got mixed up, but it doesn't matter because it still relates to employees from my perspective.

And the first sentence of Condition no. 4 says, "a transportation management plan to address both hotel guests as well as employees," which is what they've done. They've provided a plan which surveyed users of transportation system whether or not they're guests or employees, they've provided absolutely free service for guests which has resulted in a direct reduction in guest traffic. And they've also produced a service that is a total subsidy for employees going to and from work at their particular project which is something no other Kaanapali hotel has done. It's a first to have free service.

In 1973, when we had the gas crisis all of the hotels in Kaanapali got together and they implemented an employee shuttle, but they charged for that. It was like \$2.00 per day, but the ridership was like 200 people per day were using that, you know, with four or five buses. This is very similar to that except it's being underwritten totally by the hotel itself or the project itself. So it's pretty, from perspective, it's pretty innovative and I think they've

met the intent of the actual language in Condition no. 4, which is come up with a plan for both guests and employees and reduce the employee load by at least 30%.

Ms. Amarin: Thank you. Thank you for your making better sense out of this, well, to me anyway. Director.

Mr. Hunt: Yeah, not to be redundant, the way we interpret it is that they were responsible to come forward with a plan and that we review that plan and there's two objectives that it deals with the guests and employee traffic and then there's a specific one that just deals with employee. In our review of the plan, they have met that. Now if there's a dispute – the condition goes on to say if there's a dispute, the planning commission can review and determine appropriate goals or implementing measures and then it goes on to say that implementation of this plan shall be required for subsequent projects within the subdivision. So you do have the authority apparently to review this further on. If there are some concerns that you feel that the plan hasn't addressed, you do have the ability to insert those and then you can review that for implementation at the next step of the subdivision.

Ms. Amarin: Thank you Director.

Mr. Hunt: Again, the Planning Department feels they've met the intent of the Condition No. 4 at this time.

Ms. Amarin: Thank you. Commissioner Guard.

Mr. Guard: Director, so if this is deferred or denied, what does it stop? The development of the next project or final, like certificate of occupancy?

Mr. Hunt: The condition reads, the implementation of said plan shall be required for initial and subsequent projects within the subdivision. So prior to – Earlier this morning we talked about a lack of connection between projects. There seems to be a pretty good connection on this case between subsequent projects in this area. So you could use that. If you have concerns with the plan, I would suggest that you either deferred or give them direction to incorporate new implementation tasks or goals rather than just deny it. It doesn't seem like a constructive action.

Ms. Amarin: Thank you, at this time, the chair recognizes the applicant, Karlynn.

Ms. Kawahara: Thank you. Chair and Members of the Commission, as Commissioner Guard stated we are planning to return before the planning commission on the SMA application for the Lot 3 project. The goal of today's agenda item if I understand correctly is to basically determine whether the plan that we submitted met the conditions of – I'm sorry Condition no. 4 of the 1988 SMA condition. It's my understanding that because it's

a previously approved SMA condition we are not able to change that condition. And it's the applicant's position that we have met what Condition no. 4 of the 1998 approval has stated. With that in mind, and hearing the commission's concerns for today, you know, again, we will be back before you for the Lot 3 SMA permit and I believe we would support looking at the guest reduction opportunities as well at that time.

Ms. Amorin: Commissioner Guard.

Mr. Guard: I guess this is for the applicant. Yeah, I think on that one everyone – as we know West Maui is under more and more pressure, so that one may be a very different story than what has been required of this one and traffic is not the only issue there because I think on some of the other projects coming up we're inundated with West Maui has enough so to build another 12-story monster out there might not be in everyone's best hope for that parcel. So to really take everything into consideration because I think Starwood has done very well with those two projects that they've already gotten to do.

Ms. Amorin: Thank you. You know, just my comment as far as the business aspect of it all, your customers, the tourists and I'm sure the concern isn't how to get them there because that's all about business, getting them there. The thing is once they do get there, then you can go ahead and educate them about our traffic and the means through your programs and to entice them to take the shuttle and all of this through the hotel. So that's just where I'm coming from and I can see it as being two different entities and concerns. But I do see your compliance with Condition no. 4. Thank you. Commissioner Hedani.

Mr. Hedani: You know, I think a couple of things that we've skipped, you know, in reviewing it is that at some point the applicant agreed to a reduction in total units from 3,200 units to 1,950 units which is a 40% reduction in total units. That's guests, employees, vendors, everything else. So there's already been an absolute reduction from the people that were sitting in this room in 1988's expectations by 40% from that perspective. And I think the other perspective that you need to take into account is even though to some degree it's very difficult to tell a guest because it's a free country, no you can't rent a car at the airport, you got to take our shuttle to get our project and they'll say baloney, I'm not going to do that, but once they get there, if they leave their car in the lot for five days or seven days, that's a plus because in most cases they'll use that car three to five times a day, and when you get them to leave it in the parking lot and take the alternatives that's being offered that's an absolute reduction in traffic also.

Ms. Amorin: Thank you. Commissioner Pawsat.

Ms. Pawsat: I think San Francisco just banned water bottles, you know, if you can get that to public to do a rule like that I don't see why you can't get tourists to take a shuttle to Lahaina particularly even more so if they're just going to park their car in the parking lot for

five days. That makes their whole initial trip pointless even to rent it anyway then. You know, I would like to make a motion to defer. I mean, because here it says, measures shall be reexamined and we're – this is the forum to reexamine these policies that were made a long time ago. And then as far as like the number of people and then in comparison to open space, I mean, that's a whole other issue kind of. I want to – and that just makes me want to ask if you put, you know, all the people in these 2,000 units in 11 acres, how many square foot per person would you get, but who wants to go there. So – I think it should be deferred.

Ms. Amarin: Thank you. Commissioner Hiranaga.

Mr. Hiranaga: Shall we call for the vote?

Ms. Amarin: Okay, without any other discussion, we do have a motion on the floor to approve and we have a second.

It was moved by Mr. Guard, seconded by Mr. Hiranaga, on the

The Motion to Approve the Recommendation of the Department that the Applicant has Complied with Condition no. 4 of the 1988 SMA Use Permit and Shoreline Setback Variance for the Kaanapali North Beach Subdivision.

(Assenting - J. Guard, K. Hiranaga, W. Iaconetti)

Ms. Amarin: We have three ayes. The motion dies.

Mr. Hiranaga: Point of order, don't you have to call for the nays because abstention is an affirmative vote.

Ms. Amarin: Yes. Can I have hands of those in favor. Okay, and those opposed? Joan Pawsat and one recuse, Wayne Hedani. The motion dies.

It was moved by Mr. Guard, seconded by Mr. Hiranaga, and

The Motion to Approve the Recommendation of the Department that the Applicant has Complied with Condition no. 4 of the 1988 SMA Use Permit and Shoreline Setback Variance for the Kaanapali North Beach Subdivision dies.

(Assenting - J. Guard, K. Hiranaga, W. Iaconetti)

(Dissenting - J. Pawsat)

(Recused - W. Hedani)
(Excused - B. U'u, J. Starr)

Ms. Amarin: Joan, you have a motion on the floor?

Ms. Pawsat: A motion to defer.

Ms. Amarin: Okay we have a motion on the floor to defer.

Mr. Hiranaga: Second.

Ms. Amarin: We have a second by Commissioner Hedani.

Mr. Hiranaga: Nope.

Ms. Amarin: I'm sorry, Hiranaga. Any discussion? Director.

Mr. Hunt: Could we get some specific information or request that you'd like the applicant to work on while it's being deferred.

Ms. Pawsat: It hasn't been obvious?

Mr. Hiranaga: For the record.

Mr. Hunt: Could somebody else help me out?

Ms. Pawsat: 30% reduction, I want a management plan, some sort of management plan dealing with the guest traffic that this project will generate and a management plan of how they're going to – that is going to be reduced as well over time. Why wouldn't you apply the same logic for employees as you would to the greater vehicular mass basically? I mean, if we're going to eat a cow, you don't go out and shoot the smaller one.

Ms. Amarin: The Chair recognizes Dan.

Mr. Shupack: My concern is that, you know, I mean, the condition states specifically employee automobile traffic, and that by suggesting that ..(inaudible)... we'd be making an ad hoc change to the condition and I don't know if Corp. Counsel would like to chime in on that.

Mr. Giroux: Yeah, I'd like to address this issue because reading that condition even where the goals and measures are to be revised, it's very specific on how that is to go about. It's

supposed to go about being reexamined after the opening of each new project. And the people who are supposed to examine that is the County Planning Director and the project's transportation coordinator. Those two persons are supposed to get together and hammer something out. If they cannot agree, then says, in the event that there is a dispute over the new revised goals or implementing measures, then the planning commission is supposed to step in as a body, a reviewing body. So I don't believe this procedure has even been followed yet and for the applicant to be either put in a position of looking at a goal or implementing plan where the director and staff are saying that they feel that the applicant has met those conditions, it's not going to be proper for the commission at this point to be making ad hoc changes to these types of revisions. I'm reading the text of that condition.

Ms. Amorin: Commissioner Iaconetti followed by Director.

Mr. Iaconetti: No, he answered the question.

Mr. Hunt: James, are you comfortable with the commission deferring the action and then the director and the project's transportation coordinator discussing the issues that Commissioner Pawsat has raised and then if we can't come to an agreement?

Mr. Giroux: Well, I think the trigger is the new project, the two years. I mean, is the director comfortable with that as being a trigger? My understanding is that this is just a review of their condition. I don't see a new project. I mean, are we within that time frame of the two years of a new project in order for there to be a review? It says, "the applicant is hereby advised that the programs, goals and implementing measures shall be reexamined two years after the opening of each new project by the County Planning Director and the project's transportation coordinator."

Ms. Amorin: At this time, we will take a recess and we'll reconvene at 3:20 p.m.

A recess was called at 3:10 p.m., and the meeting was reconvened at 3:20 p.m.

Ms. Amorin: Director Jeff Hunt.

Mr. Hunt: After discussing the wording of the condition with legal counsel, it's our opinion that the way this is worded is if there's a dispute between the department and the project then the planning commission shall review the matter. The Planning Department decided to bring this before the planning commission, as a, almost as an FYI or as a courtesy review. If there's concerns about the goals and implementing measures in there, we will listen to those concerns and at the next time that we review this and discuss it with the project's transportation coordinator we will express those concerns with them and the trigger is two years after the opening of each new project. At that time we will express any concerns that this commission has made and if we cannot come to a resolution with the

project transportation coordinator, then we will schedule it for your review and determination.

The question that was whispered into my ear is do we need a motion? And technically you probably don't need a motion. You could give us some direction. It looks like because of the lack or the small numbers of people it may be difficult to get a motion passed. If you want to express some concerns, again, we will try and incorporate those concerns into the next review of the plan.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Just as a comment, I think, personally I think on this particular case to try to change the conditions that were established in 1988 is wrong from a fairness standpoint because in reliance on what the commission did back in 1988 they've invested hundreds of millions of dollars into projects that are built or are in the process of being completed. And I don't think you should change the goal post on them, you know, 20 years after the fact, even though conditions have changed between then and now.

From the standpoint of suggestions or comments for the applicant moving forward, one of the suggestions I would have on a transportation management system is to use the fees that are charged to parking for our guests of the North Beach projects as a fund that would underwrite free transportation services for employees. So you could establish an employee shuttle from Kihei, you could establish an employee shuttle from Wailuku, you could establish employees in Lahaina to and from the project, you could establish a free shuttle service from the project to the airport if you set aside the funds that are generated by both employee as well as guest parking. So you punish the people that use the cars and you reward the people that use the alternatives. Once you do that for North Beach, South Beach is going to have to react in self-defense as I indicated and that would be a first of any destination resort in the world probably. So that would be a real feather in your cap.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Thank you. This is for the Director, would most of these types of conditions have a sunset typically so something like this doesn't have a 20-year time period to remain open to address the next say commission 20 years later that times may have changed then again.

Mr. Hunt: It would depend on the wording of the condition. I mean, now we're trying to be more careful with putting those kinds of dates and such deadlines in. This one doesn't have one but it does seem to speak to revising or at least consideration of revising the goals.

Ms. Amorin: Thank you. Does the applicant wish to make any comments? Karlynn.

Ms. Kawahara: Just brief comments. Dennis Ebril from Starwood.

Mr. Dennis Ebril: Madam Chair, Commissioners, I'm responsible for development at Starwood. This plan really was intended to address the overall reduction in transportation and I think it did it. We spent on a lot of time on this both from the guest traffic and the employee traffic perspective. It's not just because it's in a 20-year old condition, the reality is we share the concern. These are our customers. There's a lot of repeat business at this resort. And we're pleasantly surprised to see that the word is getting out in terms of customers who come back and know that there's transportation at the property to Kaanapali and to Lahaina and are not renting their cars. That's sort of word of mouth here say and it's not empirical data that we can support today but we believe it's happening.

We share Commissioner Pawsat's concern and frustration with the number of people that rent at the airport and drive to the resort and leave their car there you know, for days on end. And do believe that an initiative along those lines would be very productive. So we'd – if it would help, we would be happy to establish the goal as an overall 30% reduction and to work with the Planning Department to achieve or establish the goal based on the plans that we've already put together and build on those plans. As I said, I believe we're working in good faith and we'd like to continue doing that and make it a 30%. That our target is to get a 30% goal. We would like to be able to get this approved today. We will be back hopefully in the near future with the SMA for Lot 3, and there are a lot of components to that that would also have a lot of transportation issues, traffic issues, traffic mitigation, road improvements, etc., and we would hope to be able to move this process forward if we can reach a resolution today on the transportation plan. So we're happy to establish that goal as an overall 30% as distinct from 30% of employee traffic only.

Ms. Kawahara: That concludes our comments. Thank you.

Ms. Amorin: Thank you very much. Do we have any – Commissioner Pawsat.

Ms. Pawsat: So they're saying they're willing to do 30% guests as well, is that what he's saying.

Ms. Amorin: Yes.

Ms. Pawsat: Well, then what kind of motion can I put back to pass the –

Mr. Iaconetti: You can't – as an affirmative vote on the last one I can ask for reconsideration of a motion.

Ms. Amorin: Commissioner Hiranaga, you seconded the motion.

Mr. Hiranaga: Question, I thought there is no need for a motion. This is – Did I miss something?

Mr. Hunt: The exact wording of the condition doesn't require the planning commission to approve the transportation plan unless there's a dispute between the Planning Department and the applicant. We did not have a dispute. The staff felt that it was important enough and transportation and traffic is such a critical issue in West Maui that we would bring the plan forward to you folks. So technically you don't have to approve it but I think the applicant wishes some kind of direction and it's generally a good idea if we could get some kind of direction from this board.

One clarification is I understood that they said an overall reduction of 30% not 30% of guests and 30% of staff.

Ms. Pawsat: Oh, well that's if they're concurrent with one and other right? The programs would be concurrent so it would 15% employee and 15% tourist.

Ms. Kawahara: Something – a blending basically of the reduction, yes.

Mr. Ebril: I don't believe – I'm sorry, Dennis Ebril again. I don't believe that our intent was to say that it was 15 and 15. It was 30, but we don't want to be held to – you know, if it's 29 on employees and 31 on guests, the average is 30. So our intent is to make it an overall 30 rather than have to measure separately whether it's employees or guests.

Ms. Pawsat: But you'll be making – so when you say that, you know, there's this word of mouth right now around, will you start making visible, more visible efforts in that ...(inaudible)... about that it's no longer word of mouth, it's actually as structured policy.

Mr. Ebril: That we will establish initiatives to – it's very difficult for us to say to guests you cannot rent a car, but we can definitely take the measures to encourage them not to do so. And we're already seeing – we believe that we can achieve this, this goal of an overall reduction by essentially having alternatives to the guests so that they don't feel the necessity to rent a car and we will tract this in order to be able to show that we're getting to the goal that we're establishing.

Ms. Pawsat: Well, can you start charging people for parking, to use your parking lot? If they're going to rent a car, they should be charged to park in your parking lot then.

Mr. Ebril: The way we sell our product, that's probably a challenge for us to do today.

Ms. Pawsat: I'm just saying that could be a tool.

Mr. Ebril: Correct. It could be a tool. We have some purchase and sale documents that have already been executed that probably make it difficult do it retroactively. But there are a lot of initiatives that we can undertake essentially to try and achieve the goal of a 30% overall reduction and that's the spirit of what I was suggesting.

Ms. Amarin: Thank you. Commissioner Guard. Okay. The Chair realizes there's been, you know, communication gap with this agenda item and there is no motion that is needed but on record everything that has been said has been a true meaning of trying to address the concerns of the commission and the applicant and the traffic program is excellent. Discussion versus introduction and also implementation. So we're all directing ourselves to implementation. And we thank you and with that, this agenda item is now over. Karlynn.

Ms. Kawahara: Thank you very much.

Ms. Amarin: Thank you. Director.

2. A & B WAILEA, LLC requesting a Step 3 Planned Development Approval for the proposed 12-lot Wailea MF-11 Subdivision and related improvements on approximately 7.39 acres of land within the B-2 Community Business District at TMK: 2-1-008: 144, Wailea, Island of Maui. (PD3 2007/0001) (D. Dias)

Mr. Danny Dias presented the Maui Planning Department's Report.

Ms. Amarin: Commissioners any questions on this agenda item? Commissioner Hiranaga.

Mr. Hiranaga: I was curious looking at the packet you provided us, it shows the underlying county zoning to be B-2, and I was wondering if residential use is allowed in zoning, B-2?

Mr. Dias: Okay, let me clarify that. If you look on page 3 under General Description, No. 2, County Zoning, it's B-2 Community Business and A-2 Apartment District and basically this lot is – I'm sorry, the TMK, the property has two lots. One of the lots is going to have, I believe it's called the Wailea Commercial Center and then the second lot, this lot, is A-2 Apartment and that's where you're going to have this subdivision.

Mr. Hiranaga: So A-2 zoning allows for residential use?

Mr. Dias: Correct.

Mr. Hiranaga: Thank you.

Ms. Amarin: Any other discussion? Questions for the applicant? Seeing none, I'd like to open this time for public testimony. Do we have any individual in the audience who wishes to speak on this agenda item? Seeing none, public testimony is closed.

Mr. Dias presented the Recommendation.

Ms. Amarin: Commissioners, what's your pleasure? We have a motion on the floor?

Mr. Hiranaga: Motion to approve.

Ms. Amarin: We have a motion on the floor to approve, do we have a second?

Mr. Hedani: Second.

Ms. Amarin: Seconded by Commissioner Hedani. Any discussion? Seeing none, – Commissioner Hedani.

Mr. Hedani: Does the employee housing requirement apply to this particular project? Was there a requirement for affordable housing?

Mr. Mich Hirano: Yes, Commissioner Hedani, my name is Mich Hirano with Munekiyo and Hiraga. During the SMA and Step 2 application, there was an agreement that was reached between Housing and Human Concerns and the applicant regarding affordable housing. The application was submitted before the Work Force Housing Ordinance was passed so it was negotiated with the Guidance Policy at that time.

Mr. Hedani: But it was accepted by the department?

Mr. Hirano: Yes, there was an agreement in place.

Ms. Amarin: Thank you.

It was moved by Mr. Hiranaga, seconded by Mr. Hedani, then

**VOTED: To Accept the Recommendation of Approval of the Step 3
Planned Development Approval.
(Assenting - K. Hiranaga, W. Hedani, J. Guard, W. Iaconetti,
J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amorin: Motion carries.

E. UNFINISHED BUSINESS

- 1. MR. RYAN CHURCHILL of MAUI LAND & PINEAPPLE COMPANY requesting a Special Management Area Use Permit and a Phase 2 Project District Approval for the Kapalua Central Resort Project and related improvements, the development of a central village which will include a residential/ commercial mixed use component with common amenities, multi-family residential units, administrative facilities, a 15-lot large lot subdivision, and the realignment of Office Road at TMK: 4-2-004: 024 (portion), Kapalua, Lahaina, Island of Maui. (SM1 2006/0029) (PH2 2006/0006) (A. Cua) (Public hearing conducted on April 16, 2007. Last deferred at the May 22, 2007 meeting.) (A. Cua)**

The Commission may take action on these requests.

Commissioners: Please bring the materials circulated at prior discussions on this matter with you. If you cannot locate these materials, please let Secretary to Boards and Commissions Carolyn Takayama-Corden know as soon as possible.

Ms. Ann Cua: Madam Chair, Members of the Commission, the applicant does have about a five-minute power point presentation just to kind of recap the project for you, so if we could take maybe a two-minute break?

A recess was called at 3:40 p.m., and the meeting was reconvened at 3:45 p.m.

Ms. Amorin: The Commission is back in session.

Ms. Cua gave background information on the application.

Mr. Bob McNatt: Good afternoon Madam Chair, Members of the Commission. I'm Bob McNatt with Maui Land and Pineapple Company and I've got a very brief presentation just to recap the project and where we are right now and kind of bring you up to date on that.

If you can look at the screen. Here we have the Project District 1 area that's in color. Highlights the various uses that are allowed, and the area that we're talking about today is this red area what we refer to as the Central Resort. This is the upper highway here, Honoapiilani Highway. Office Road comes down though here. The Kapalua Golf Academy is right over in this location. The Ritz-Carlton is this brown area right there and of course,

this is the ocean down this way.

Wanted to reiterate that this project is in fact in conformance with the Maui County General Plan and the community plan and the project district ordinance specifically by the purpose and intent requires us to design this project to be organized around a central village core. The entire central resort is supposed to be designed around a central village core and that's what we've been working on essentially for the last 40 years when this first was envisioned by Colin Cameron, the founder of Kapalua and the chairman of Maui Land and Pineapple Company up until his death in the '90's.

Central resort plan really consists of a mixed use village. It's intended to replace the Kapalua Shops that have since been demolished that were down by the Kapalua Bay Hotel. We're also going to be replacing dilapidated maintenance facilities that are not only dilapidated but they're functionally obsolete. They were never intended to be used for what they're used for for the last 30 years, but they have been. Very heroically by our employees.

And then we're also going to be, because of the mixed use nature of this including the residential component, resort residential component in the village. So there's the condominium product and it is an infill project. If you look at the resort physically and at the maps, you'll see that there is a hole right in the center of the resort where this village is supposed to go and where it was always intended.

And then another reason that we're doing it is to clean up the circulation within the resort to improve traffic circulation and also the pedestrian circulation. You can see this is the 1968 master plan for Kapalua and the location of the central resort villages is right there where we're proposing it.

Again, it's a mixed use project that implements the original vision. There's commercial in the central core on the floor and residential in the upper one or two floors. So traditional neighborhood design project and we're integrating some of the existing commercial that is in the village core.

Of course we always want to emphasize the pedestrian aspect of this because Kapalua is a very walker friendly place and becoming much more so everyday as we add additional trails and of course, we shuttle system that circulates and carries over 20,000 passengers a day or a year in Kapalua.

I'm going to go over very quickly the comparison of the numbers. We adjusted. We have the revised site plan up in front of you here that's slightly different than what we proposed before because we've been adjusting the units within the different, the three different categories, the Central Village, the Pine Villas and then Makaoi'oi. The Central Village we

did have 48 village lofts and went to 50. The Village Flats there were 18 and we reduced that to 12 and this is all a function of engineering and making it all work better. We have eight town houses. That stayed the same next to the golf course. The pine villas which is on the sloping portion of the site increased by four. And then Makaoi'oi has remained the same as well. So we're still at the same total unit count of 196 units between the Village, the Pines and then Makaoi'oi.

This is pictures of some of the facilities that we're going to be replacing. You can see the termites are working their way to the roof. I'm not sure what's holding one of those buildings up. It looks like it's suspended in mid-air, but maybe there's some helium under there, I'm not sure. But it's time for those buildings to go before they fall down. Here again, it's apparent that the obsolete nature of these buildings that were originally intended to help with the pineapple operations that long ago shifted out of this location.

...(inaudible)... traffic just to remind you from our last presentation we are offering to pay a \$3,500 per unit contribution towards regional traffic improvements that we would request stays on the west side and be used there. This is a voluntary contribution. It's not required. If for some reason the county adopts or changes 14.62, we're happy to comply with that if the amount is more than this figure.

We've also been a huge supporter, in fact, founder of Lahaina Bypass Now. We're proud of that. It's doing a great job. We got second place in the Kamehameha Day Parade for their float which was a outstanding achievement. And they've also done a great job in making the public aware of the traffic and working with the county to improve the bus system. Working with Vanpool Hawaii to bring vanpools into the resorts. And of course, they've been working very closely with the Department of Transportation to actually get the Lahaina Bypass started and I'm happy to say that there will be a groundbreaking ceremony in either late July or early August and then actual groundbreaking soon thereafter.

I have bumper stickers for you if you'd like one. Lahaina Bypass Now. We're very proud of this organization and we hired a great leader to run it and she kind of works without too much guidance from us. We stay hands off and let her do her thing and get the community involved and see if we can't improve transportation and circulation on the west side. And by the way, her name is Theo Morrison. I think you know her.

I want to emphasize that what you're looking at today is an SMA. We already have zoning approval. It's been approved for over 20 years. We have general plan approval. This is in compliance with that and you're really supposed to be looking at whether there are affects on existing public views, affects to water resources, shoreline access and any substantial adverse environmental or ecological affects and we have indicated very clearly that there are none of these in the reports and in our analysis and staff concurs, concurs with our request for approval of this project.

This is the revised site plan which essentially looks the same as the original one. It's just that we shifted some of the flats that were down in this area, out. We took those out and we increased a few of the duplexes in this location. That's pretty much the only change that occurred.

So at this time, that's the presentation. I'll be happy to answer any questions. We have consultants here if you have any technical questions. I'm not that smart, but I can answer the general ones.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: Bob, have we been able to take care of the workforce housing problem that caused the deferral to this date?

Mr. McNatt: We think so. Although we're still working on it with the Housing Department. We have a disagreement over what the amount of affordable housing would be. If you'll recall this project was submitted prior to 2.96, the Workforce Housing Bill being adopted. So it was designed and submitted based on previous standards. So we had intended to provide 25% affordable when it was submitted. We're still in negotiations or discussions with the Housing and Human Concerns Department to determine exactly what the requirement is. It's somewhere between 25% and 50 or something else. We're willing to actually go beyond the 25%. We've looked at this harder. It's difficult because the project was designed with that in mind, but we're willing to offer as a voluntary condition that we provide 40%. And if the determination is ultimately made that we should do 50, we'll do 50%, but we're willing to go to 40% as a absolute minimum.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: The Corp. Counsel, by approving this can we approve it with the realization that the workforce housing element is not totally finalized?

Mr. Giroux: In what aspect are you saying it's not been finalized?

Mr. Iaconetti: They have not definitely determined whether or not with the department, whether or not they have workforce housing adequate.

Mr. Giroux: I believe that at this stage that they have to – if we approve what is there structurally within their plans, everything else they will have to comply with the law which means that they will have to conform with anything from zoning, parks, housing, traffic, all of those that have already been established by law, they will have to conform to.

Mr. Iaconetti: So this can be approved with that realization that they will have to conform

with whatever.

Mr. Giroux: Right.

Mr. Iaconetti: Okay. I have other questions, but I'll give other people the chance too.

Ms. Amarin: Commissioner Pawsat.

Ms. Pawsat: Conform to which law, the present law or the law when it was approved in 1968?

Mr. Giroux: Well, the laws as the county sees it. I mean, if there's a dispute then they're going to have to – it's going to end up in litigation.

Ms. Pawsat: Well, is there a 40% requirement under law for this project? 50%?

Mr. Giroux: Well, I guess that's what under dispute with Maui Pine.

Ms. Pawsat: Is that under dispute?

Mr. McNatt: The question is whether we had a 40% requirement?

Ms. Pawsat: You're willing – you are going to put 40%?

Mr. McNatt: Yes, we will put. When we first submitted, when we submitted this and negotiated with the previous administration we actually did get a letter from the Mayor signed by the Director of Housing and Human Concerns with the Mayor confirming that our requirement was 25% in compliance with the previous ordinance which is 2.94. Since then, in these discussions we've agreed to go to 40%. And so increased it from the 25 to 40. So minimum of 40% is what we're suggesting now. However, if there's a determination later that we should be doing 50, we'll do the 50%. So as Mr. Giroux indicated, we have to comply with the law, whatever the law is today.

Ms. Amarin: Commissioner Hedani, did you have a question?

Mr. Hedani: No.

Ms. Amarin: Commissioner Guard.

Mr. Guard: So since the last – the public hearing, you've been meeting with Housing and you just can't come to any terms? Because last time it was fairly kind of cat and mouse when we were asking what you were complying with and you were like we're complying

with the code and we had two or three different sets so no one really understood that that evening.

Mr. McNatt: Well, the question was will we comply 2.96, and I said yes, we will. But the interpretation of 2.96 from us to Department of Housing and Human Concerns. So that's still being discussed. And at some point it will be determined either by us in discussions with them or in other ways. But we've guaranteed that will be somewhere between 40 and 50%.

Mr. Guard: So if this gets approved, does that kind of put the pressure on Housing and Human Concerns that it's already been approved they have to make a decision or is it better to negotiate it first. It seems like most projects come through with – everything else is their ducks are in a row. So it's kind of a big one to not have all of the ducks in a row.

Mr. McNatt: It's a big one but it's not within your purview. It's not a SMA issue. So we're happy to volunteer to speed this along and help you out, but it's not really something that comes under the four items that I mentioned previously. Not related to an SMA.

Mr. Guard: One more question for now. After, memory escapes me, the first time we met up in April, we reviewed a few of the buildings that were being demolished and then after that, is the church being demolished as well?

Mr. McNatt: There is no church being demolished, no.

Mr. Guard: Okay, the one behind Honolua Store. I read something there –

Mr. McNatt: The Catholic Church? No. No, we would –

Mr. Guard: In some Letter to the Editor or something that I read and I wasn't -

Mr. McNatt: No.

Mr. Guard: Thank you.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I believe there's a church use that's being discontinued. I think you allow a church to operate there now but will no longer be allowed to operate.

Mr. McNatt: Well, there is a church being allowed to use Hale Hokulani which is an old cart barn for the Bay Course that was built many years ago. We're going to be replacing that facility, tearing it down as we do the village and doing a new multi use facility where the

church could probably meet. It will be actually better accommodations than what they have now with the old cart barn.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: So could I have an explanation from staff why we don't have a determination from the Department of Housing and Human Concerns regarding the employee housing policy prior to this application coming before us because like Commissioner Guard had mentioned that it seems in the past that those issues were resolved prior to coming to us. So I just wanted to understand.

Ms. Amarin: Director.

Mr. Hunt: The way the new housing ordinance works is there's a determination by the Director of the Housing Department as to what that amount is. The ordinance has a number of exemptions and other mechanisms. It's not a simple ordinance. It's somewhat complex, so it's up to the director to determine what that amount is. Since this ordinance has been adopted, we have been trying to steer a policy where the planning commission does not come out and set a specific number because again, the interpretation administration of that ordinance is somewhat complex and it should be left to the Housing Department. So we encourage you just to draft a condition that they have to comply with the housing ordinance as determined by the Housing Director.

Mr. Hiranaga: So prior to them obtaining their certificate of occupancy they Director of Housing and Human Concerns has to make a determination between – there must be a cut off point where the director has to make a determination.

Mr. Hunt: The County won't issue the building permit until there's some kind of conclusion as to what the housing amount is.

Mr. Hiranaga: Okay, thank you.

Ms. Amarin: Thank you. We have the Director of the Department of Human Concerns. Vanessa Medeiros could you make comments on this agenda item?

Ms. Vanessa Medeiros: Yes, my understanding and going back to our records is that on April 11th, a memo was sent to the Planning Director from our office indicating that we felt that Chapter 2.96 applied to this project. Subsequently on April 19th, Maui Land and Pine sent a letter to our office asking us to provide to them our analysis or rationale for coming to that decision. We responded to them on May 4th with our rationale for making that decision and on May 23rd, their attorney sent us a letter explaining what they felt were their exemptions under Chapter 2.96. We subsequently sent that letter to our attorneys and

unfortunately we have not been able to get a response from our attorney yet and we certainly apologize. We had hoped to get that response before this meeting. I have to say and apologize to Bob, but we have not been in any discussions on anything at all at any time. Again, I think the question at this point is that Maui Land and Pine has a concern with respect to the exemptions and what they feel the exemptions are and should be and we have not come to a determination on that.

I think at the same time the commission should also be aware that under Chapter 2.96, not only are there waivers, but section 2.96.030 also provides for adjustments. Those adjustments can be made only by appeal to the County Council and by decision through the County Council. So if for some reason we are not able to come to an agreement as to what the application is for 2.96, then Maui Land and Pine would also have the opportunity to go through the Council for resolution, adjustments, exemptions or waivers under Chapter 2.96.

Ms. Amorin: Thank you very much. Any questions? Commissioner Iaconetti.

Mr. Iaconetti: Would it be possible for you to give us your idea as to the work force housing requirement? Are you talking, are you thinking 40%, 50% or the previous amount?

Ms. Medeiros: Well, 40% is the first I've heard of it today and so we have not had an opportunity again to discuss this with, you know, with Maui Land and Pine or with our staff, and I think part of that has to do with we want to get the input from our corporation counsel in respect to the letter. The letter was a legal letter, so we want to make sure that we have that input first and hopefully based on that we would be able to discuss the matter with Maui Land and Pine further.

Mr. Iaconetti: But you don't have an opinion now without your corporation counsel's input?

Ms. Medeiros: I don't think it would be fair for us to have an opinion because, you know, there's some question as to our analysis and rationale and I wouldn't want to, you know, overstep my bounds at this point.

Mr. Iaconetti: Any more questions for the Director? Thank you very much Vanessa.

Ms. Medeiros: Thank you.

Ms. Amorin: At this time we'd like to open up this agenda item for public testimony. Do we have anyone in the audience that wishes to speak at this time? Seeing none, public testimony is closed. Staff planner, Ann Cua.

Ms. Cua: Is the commission ready for the recommendation?

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: I have a few more questions of the developer. Bob, there was testimony at one of the meetings concerning the guard house if you will, in the middle of the road leading from Honoapiilani Highway down to you project. Is that still going – are you still expecting to build that in the middle of the road or is it possible that we can have that off to one side and not make it appear as if it's a detriment to getting into there.

Mr. McNatt: Our intent is not to have a guard house. It's was a greeter station and at some point it would also be, it would be somebody that could answer questions. A lot of people come in and they go to the golf academy because it's right there and ask questions. So we wanted somebody to do that. But yeah, it could be built off to the side, that wouldn't be a problem at all.

Mr. Iaconetti: And one other question, there was considerable testimony concerning the reconfiguration of Office Road. Are you still planning on closing a portion of the Office Road as it now exists and defer the traffic to whatever the name of that other road is that you wanted to go to?

Mr. McNatt: The answer is yes, we're still planning to turn Office Road right at this point. Right now it goes through here. So we would turn it, but instead of this piece here it will go this way. So we'll create a four points intersection and real sense of place at that intersection, the very heart of the village and it will tie into existing Kapalua Drive that will then become a two-way, two-lane road that comes through here. Right now it goes in that direction but it doesn't come back in that direction. So it's very confusing and it will clean up the circulation in this area.

Also we'll be closing Pineapple Hill Drive which is right there and turning that into just a pedestrian way, pedestrians and golf carts. So it will vastly improve the circulation in the resort.

Mr. Iaconetti: May I?

Ms. Amarin: Yes, Commissioner Iaconetti.

Mr. Iaconetti: There was considerable testimony against having Kapalua Road is that what you called it?

Mr. McNatt: Kapalua Drive.

Mr. Iaconetti: Kapalua Drive as the main method by coming from Lower Honoapiilani Road into your development. They were concerned about the traffic, the noise, the lights, etc.

Mr. McNatt: Yes.

Mr. Iaconetti: Is there any possibility that that is not going to happen so that people can continue using Office Road as it was developed?

Mr. McNatt: Well, we feel and the traffic consultant and the traffic counts indicate that most of the traffic continues and will continue to go to the Ritz-Carlton. It's around 70% of the traffic. So it will continue to go this way, and then down and across or from the makai side up Office Road to the Ritz-Carlton. The people who actually were concerned about it that were at the Golf Villas, and we have, because of discussions and negotiations with the Golf Villas residents, we've agreed to restrict the kinds of trucks and vehicles that can go on the road so that noise will stay below, way below standards. And we've also essentially signed an agreement with them. So I don't think the Golf Villas, at least the association, is concerned at this point because we have settled with them their concerns.

We did a noise study also at the request of the Golf Villas and it indicates that there is a – with the project there will be a one or two decibel maybe three decibel at certain increase in the traffic noise which is undetectable to the human ear and it's still way below the standards for that kind of a road.

Ms. Amarin: Commissioner Iaconetti another question?

Mr. Iaconetti: Yes, please. I know I've asked you this question in the past, and I know you've given me the answer I wanted to hear, but I'd like to hear it again. These are private roads owned by Maui Land and Pineapple.

Mr. McNatt: That's correct.

Mr. Iaconetti: Is there ever any thought of making them guarded, gated roads so that the rest of the population can't drive up there unless they have business or homes, etc., in that area?

Mr. McNatt: Is there thought to gating off Kapalua, these roads? No, there isn't. We do have existing gated communities in the resort and we're not frankly, some of us are not all that happy about that but we can't change that at this point. But no, there is no intent to put a gate at either end of Kapalua and gate it off.

Ms. Pawsat: ...(inaudible - changing of tape)... private roads?

Mr. McNatt: Yes, they're all private roads.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I have a question regarding traffic. Do you have your traffic consultant present today?

Mr. McNatt: He happens to be here.

Mr. Hiranaga: I guess I'm a novice with traffic studies, but I'm looking at page 29 of the staff report and it shows in the 2010 without the project and with the project, that all of these intersections which are five intersections this project will have no impact on the amount of traffic at these intersections. Is that correct?

Mr. McNatt: I'm going to ask our traffic engineer, Pete Pascual with Wilson Okamoto to come up and answer your questions on traffic. Thank you.

Mr. Pete Pascual: Again for the record, my name is Pete Pascual. I'm a traffic engineer with Wilson Okamoto Corporation. Before I answer Commissioner Hiranaga's question I'd first like to note that I'm also appointed to the State Commission on Transportation, so my responses, comments today do not reflect or may not or may reflect the opinions of that commission itself.

Okay, in answer to Commissioner Hiranaga's question, whenever you have a development whether it's one unit or a thousand units, you're always going to have an impact. The question is whether it's significant enough to change the operating level of service of each particular movement at a intersection or study intersection. In this case, the traffic generated by the project and albeit this is in a resort setting, it's a residential and commercial as well as office use, however, the level of service at particular movements within each of the study intersections do not change. The level of service for a particular movement represents, can be represented by a range of operating conditions. So it's not to say that there is no impact. There always going to be an impact whether that impact is significant enough to change the level of service and our results show that or our analysis show that there is no change in the operating level of service.

Mr. Hiranaga: May I continue?

Ms. Amorin: Yes Commissioner.

Mr. Hiranaga: Okay, so the proposal is 196 residential units, 61,000 square feet of commercial use, 10,000 square feet of office use and approximately 18,000 square feet of resort amenities, and according to your report this will not change the classifications at these intersections. And I'm looking at the report, I guess the traffic counts were taken on May 11th and 12th of '06 and May 16th through the 18th of '06. I'm wondering because this

is a resort area, would it not have been more appropriate to do this field count say during the winter when the resort population is at its highest?

Mr. Pascual: Occupancy is high, yes. Yes, what you see is – what we reported in the report is the traffic volumes that we collected that were the highest of many traffic data collection programs we initiated to get the data for this project. We collected data in March of '04 for one whole week, 24 hours at the study intersections, October '04, December '04 which represents the winter months, April '05, I can go on all the way up to February '07. The highest number, the highest of volumes that we recorded are what's reported in the report to be conservative, to make sure that we didn't catch a fluke day where the volumes were low say. So what you see is in the report uses data that is really the greatest of all the data we collected.

Mr. Hiranaga: So you're saying you did the counts to take into effect seasonal changes and occupancy of the resort.

Mr. Pascual: That's correct. Not only seasonal but daily changes as well, from a Monday versus a Tuesday, Wednesday, Thursday and a Friday as well as weekends.

Mr. Hiranaga: So the, and again, you know, I just looked at your report. The manual turning movements were performed between certain time periods so the manual turning movements outside of those time periods would be less.

Mr. Pascual: That's correct. We looked at the worst case scenario which is the peak hour, then we superimpose the project generated trips over that peak hour to determine what the worst case scenario would be both seasonally, daily as well as hourly, down to the peak hour, yes.

Mr. Hiranaga: I guess just from a layman's comment, I look at the amount of build out and you're saying that the project's going to generate 49 trips during morning peak hours, 36 inbound and 13 outbound. You mean, there's going to be just 49 cars moving in and out of these intersections at total build out is that what that's saying?

Mr. Pascual: I think you're looking at –

Mr. Hiranaga: Page 28 of the staff report.

Mr. Pascual: Yes, Commissioner Hiranaga, that is correct. In the morning peak hour. In the afternoon peak hour is something that, it is substantially higher in the afternoon. The morning take for example the commercial use, 61,000 square feet of proposed commercial use, that will generate zero vehicles during the commuter peak hour between 7:00 and 8:00 a.m. because that entity is really not functioning or open at that time. What would generate

traffic would be obviously the proposed office use as well as some residential use as well.

Mr. Hiranaga: I guess I have difficulty understanding how such low number of trips would be generated from such a large development. Are you saying that they are not leaving the project so they don't use those intersections?

Mr. Pascual: Combination. Not leaving their project as well as for a residential component if you look at the breakdown, well, I'm not sure if you have the breakdown of the trip generation but the residential component during the morning peak hour which is what you're questioning is 31 vehicles total, 21 entering, 10 exiting. To verify those numbers we collected data at similar uses based on a number of units in a similar type development and came up with a actually lower rate than what we show. So the whole traffic study analysis procedures to take every opportunity to be on a conservative side to insure that we address any potential problems that may occur.

Mr. Hiranaga: Okay, I'll allow the other commissioners to ask any questions if they have any.

Ms. Amorin: Any other questions Commissioners? Commissioner Pawsat.

Ms. Pawsat: I guess I have questions for the – are you civil?

Mr. Pascual: No, I'm not.

Ms. Amorin: Civil Engineer.

Mr. McNatt: Yes, I'll ask Barry Toyota from Wilson Okamoto to come up and answer those questions. Thank you.

Mr. Barry Toyota: Hi, I'm Barry Toyota with Wilson Okamoto.

Ms. Pawsat: Yeah, hi. I was wondering in the presentation it said it had minimum adverse effect on water resources. Can you give kind of a summary of what measures you're taking to mitigate the effect of the water usage.

Mr. Toyota: Well, first of all, as you know, Kapalua has its own water system. It has both potable and non potable water system. Irrigation will be supplied by the non potable system and obviously domestic use by the potable system. As far as water conservation measures, my understanding is the architectural designs of the buildings are taking full advantage of as much of the water conservation measures that is available. As far as the irrigation use, we're minimizing as much as we can –

Ms. Pawsat: Is irrigation potable or non potable?

Mr. Toyota: None potable.

Ms. Pawsat: Non potable. Is it you're using gray water or you're systems like that recycling gray water.

Mr. Toyota: No, we're not using gray water as far as I know. We're utilizing some of the retained water from storm runoff.

Ms. Pawsat: But system do exist to use gray water for irrigation, yeah?

Mr. Toyota: Yes.

Ms. Pawsat: Or even black water, yeah?

Mr. Toyota: That's possible, yes.

Mr. McNatt: If I could address that also Commissioner Pawsat. The Health Department currently doesn't allow gray water or black water to be used for irrigation. We'd love to be able to attempt that at some point in the future but the State Health Department needs to change some of its rules and come up with guidelines. But we will be using non potable water for irrigation and just in case you don't know Kapalua has its own water company and we have two operating wells right now that supply the potable water within the resort. Those wells each generate about a million gallons a day and currently the use in the resort is a little over 500,000 gallons a day so we're using about a fourth of the capacity that we actually have for potable water.

Ms. Amarin: Thank you. Commissioner Guard.

Mr. Guard: How's the stream flow in those streams right now? Like above Honokohau I've heard conflicting terms on how much water is actually coming down.

Mr. McNatt: The stream flow right now is good. It's been raining. It did get low about two weeks ago which it usually does around this time of year and again, usually in August or September, October, but flows are good.

Mr. Guard: So what are plans for the long term if this is going to be a annual thing while we keep bringing on a 100 or so units at a time. Is that going to become a bigger problem next year and the following year and the following year?

Mr. McNatt: We're not diverting any additional water for any of our development projects

than we already are.

Ms. Amarin: Thank you. Any more questions Commissioners? Commissioner Hiranaga.

Mr. Hiranaga: I'm still trying to understand this traffic report. I guess looking at the traffic report itself on page 16, so it indicates that the total traffic increase is approximately 281 trips.

Mr. Pete Pascual: Pete Pascual, traffic engineer again from Wilson Okamoto, Commissioner Hiranaga I'm trying to follow what you're referring to.

Mr. Hiranaga: There's this chart on page 16 of this traffic report. Kapalua Central Resort traffic impact report October 2006.

Mr. Pascual: Found it, thank you.

Mr. Hiranaga: Page 16. I guess it kind of conflicts with the staff report. You know, looked at the staff report it said 49 trips during morning peak and 190 in the p.m., but then this is actually saying there's going to be 291 total trips, 47 total in a.m., 234 in p.m.

Mr. Pascual: Yes, that's correct. There's 47 in the a.m. period and 234 total in the afternoon period.

Mr. Hiranaga: Maybe question for staff, so parameters of an SMA application as far as traffic impact who determines how far the line does the traffic study have to go? Because it appears that it ends at where Lower Honoapiilani Road intersects with Honoapiilani Highway. I'm just trying to understand, you know, I'm sure there'll be people traveling from Lahaina Town to go to this new resort complex and I'm just – who determines where the boundaries of the analysis ends?

Ms. Amarin: Director.

Mr. Hunt: The traffic studies or reports are done by the consultants. They generally focus on impacts in the project area. This one also does an analysis or projects out the traffic on the entire Honoapiilani Highway. And so it is within the purview, the department believes it's within the purview of the SMA and this commission to analyze impacts on that whole roadway system not just project specific.

Mr. Hiranaga: So all the way to Lahainaluna Road or to –

Mr. Hunt: Yes.

Mr. Hiranaga: All right, thank you.

Ms. Amorin: Commsisioner Pawsat.

Ms. Pawsat: Is this project hooked up to the County sewer system or is it –

Ms. Amorin: Applicant.

Mr. McNatt: Commissioner Pawsat, yes it is. Kapalua built and owns the distribution system within the Kapalua Resort and at one time we did have our own treatment plan and in cooperation with the County back in the late '80's, early '90's we agreed to contribute money towards the expansion of the Lahaina sewer treatment plant which they did and because of that we connected to the county system.

Ms. Amorin: Thank you. Any more questions Commissioners? Commissioner Guard.

Mr. Guard: For Mr. McNatt, are we going to start building any of these projects? We got Pulelehua already on board. Are we going to keep – I like this project with the fact that it's infill but as soon as this one's potentially approved then we're going back to the typical sprawl on the rest of the ag land out there. Is there an end in sight? I mean, you guys kind of opened up a can of worms with the Honolulu Bay group on Lipoa Point and that's actually discussed in your traffic impact report. I know they're not together but every time you come in for a project it's about oh we need to keep Maui Land and Pine going, take care of the ag portion of our properties by doing this and the next thing you know we approve a project and in next year's paper it's the cannery's shut down because you're losing money even though the year before you knew that was going to be the case. I guess, are you going to start building any of these and providing some of the affordable housing that go along with the projects?

Mr. McNatt: Almost don't know where to begin with that one but I'll try. Yes, we're going to build the projects. We would love to have Pulelehua approved and I appreciate your support and the commission's support for Pulelehua when you recommended approval last year. We go to the Council I believe for the hearing on Pulelehua in September. So we hope to do that one so that we can finally build that affordable housing.

Kapalua Mauka will also be moving forward. We have been in design on the first phase of that including the golf course and the first phase of residential. As we said when it was approved by the Council, that's a long term project and it will have clusters of villages within in, but it's going to take time. We said it's going to take 15 years, and probably will at least to get that going. And then this project. This one is absolutely critical to us. Just like the whole re-creation of Kapalua that we're going through right now. Over the next three to four years, it's going to be very difficult for us to go through this process. You know, we

tore down a hotel, we're rebuilding a very high level residential project where that was to take Kapalua to the level it used to be many years ago. And so we're in that process now. And this project here is sort of the heart of Kapalua and will make it all work. But while we build it, it's going to discourage people from actually coming and staying the resort. So that's an issue.

As far as the cannery, we are shutting that down. You probably didn't see the numbers, but we lost \$9 million in the fourth quarter in our pineapple operation last year and that was added on to years and years and years of losses in pineapple which we've been absorbing. We have actually invested over \$40 million in our agricultural business in the last three year, recreating the fresh fruit line at the cannery location so what we could improve that product and be able to have one viable product in the pineapple business and that's the Maui Gold, the fresh Maui Gold pineapples. So we have that new line, it's operating. We are hopeful that the pineapple operation will be profitable within the next couple of years because of that line and also because we've converted some of the canning operation into juicing. So we're very hopeful that that will improve and be profitable and sustainable in the future. Did I answer all of those multiple questions?

Mr. Guard: And is the balance of Kapalua sprawl that keeps going towards Kahakuloa.

Mr. McNatt: Oh yeah, well I don't know if that's true. We have Plantation Estates which is a agricultural estate product and then we have Kapalua Mauka which is essentially in the center, the central portion of the whole resort. Beyond that we had proposed the Lipoa Point project which is a links golf course, 60 homes and three parks within about 500 acres. Well, since the opposition and ...(inaudible)... doing that plan, we've withdrawn our application from the GPAC and we are not pursuing that plan and hope to negotiate with the County on some alternatives, but our intent is truly to preserve most of our land in the west side and open space or agriculture.

Ms. Amarin: Thank you very much. Any more questions? Seeing none, one more, Commissioner Pawsat.

Ms. Pawsat: You mentioned the word sustainable. Didn't you, is there plans for future development, I think it's more a sustainable solution for it to have onsite sewage treatment for projects as opposed to channeling it into one big dumping spot. Are you considering that?

Mr. McNatt: We are considering that.

Ms. Pawsat: And I believe Makena Resort was on T. V. saying that they were using their effluents to water the golf courses there. And so if that is a problem and he's saying that's not allowed by Health and human blah, blah, blah, so what is the long – is it allowed or is

it not? But those are my questions.

Mr. McNatt: What I said was that you can't use gray water for irrigation purposes in a single family home or condominium. You can use R1 treated water for irrigation and that's what the County's currently doing. Does that answer your question?

Ms. Pawsat: No.

Ms. Amarin: Mike, can you add comments to your question?

Mr. Miyamoto: The use of reclaimed water for irrigation in residential, single family residential is not permitted by Department of Health. Currently we are allowed to use R1 for primarily for example, in the Lahaina area we send it to Kaanapali for blending with the surface catchment and irrigation of the golf course. We also send, we at one point had an agreement with Maui Land and Pine for them, sending it to one of their reservoirs for blending for irrigation of the pineapple. We also use it for irrigation around the plant for our landscaping items in our treatment plant. We're also working with the North Beach community, to look at how we can possibly deliver reclaimed water to their landscaping items in that area.

Ms. Amarin: Thank you Mike.

Ms. Pawsat: Just one quick question.

Ms. Amarin: Go ahead Pawsat.

Ms. Pawsat: What's the difference between – why isn't a septic system that leaches into the ground and waters that area, why is that not considered irrigation? That's my only point.

Mr. Miyamoto: Well, for the Kaanapali area because there is a public utility, the sewer system in that area, Department of Health will not allow them to put in septic systems. So because there currently is a county public utility in that area that's why they're connecting to the county system. Now if they were to take the mauka portion and do something with that, create and not cross Honoapiilani Highway, DOH would have to evaluate that and see if that was permissible.

Ms. Amarin: Thank you Mike. Any more questions? Commissioner Hedani.

Mr. Hedani: I guess this is a question for Bob. On – I'm stuck Bob on the affordable housing component. Within the confines of that drawing there are no units that are proposed for affordable housing?

Mr. McNatt: We haven't proposed any but we're considering it as a possibility. Some of the Village Flats, up to as many as 10 of those units could possibly be employee units not just for workforce but for our employees. It's a consideration.

Mr. Hedani: Okay.

Mr. McNatt: And we're also proposing two additional affordable projects. The Site 6-0 project which I think you had already seen part of. We were intervened upon that project by the Golf Villas and are proposing 42 units there right on the edge of Kapalua by the Bay maintenance yard. And then another project that doesn't come into the SMA area across from Napili Plaza we're proposing about another 84 affordable apartments.

Mr. Hedani: Right. The difference between the 40% requirement and the 50% requirement is how many units are we talking about?

Mr. McNatt: How many units? About 20 units roughly.

Mr. Hedani: Can the density of the project be changed upwards from a 196 to accommodate those additional units?

Mr. McNatt: It's not an easy site to work with. There's some slope and other issues and the circulation and all that and we've actually probably going more in the other direction because of it and there's a balance between creating the product that we want to create which is high value and high dollar value that also generates of course high taxes and revenues for us and the county and going too high a density and bringing that value down. So it's better to go, in Kapalua, it's better to go higher value, lower density even though this is a – it's an attached product, it's a lower density attached product. So adding density probably doesn't help us.

Mr. Hedani: Okay, from my perspective what I'm thinking is that the difference between 40% or 50% is 20 additional units is not a lot of units to accommodate somehow. And from my perspective it should be possible to do something in order to reach that higher standard.

Mr. McNatt: It's really difficult to do on this site and it does make a huge difference financially. It's over a \$2 million hit to the project.

Mr. Hedani: Right. Like in this particular case say if I'm not even sure how the policy reads and I understand that there's a legal question as to whether or not an agreement was already made.

Mr. McNatt: Well, yeah, let me – if I could address that Commissioner Hedani. We actually do have a letter signed by then Mayor Arakawa in December of '06, actually signed it on December of '06 that agrees that we have an exemption from 2.96 for this project. That's why we're saying there's a difference of opinion. We think we've got a contract or legal agreement with the county signed by the Mayor and by Alice Lee, the Director Housing and Human Concerns at that time that says that we're complying with it by being exempt. So as a compromise we're offering 40% which is a lot more than 25 or zero and think that's fair. But if there's a determination that requires us to do 50%, we'll do that and we've had long history of providing affordable housing and will continue to do so with the hundreds of units at Pulelehua and then the other two projects I just mentioned.

Mr. Hedani: Right. If you were to meet the 50% requirement, where would you put those units?

Mr. McNatt: They would probably come out of one of those other projects that we're proposing or Pulelehua may have some additional units. So we have the three projects, right now, Site 6-0, West Maui Village and Pulelehua. And between those three, we could come up with the additional units or alternatively pay a fee.

Mr. Hedani: Okay.

Mr. McNatt: So we're close.

Mr. Hedani: Let me just tell you what I'm thinking. I know when Collin Cameron was alive he put a very high value on the value of the employees of the resort. Everybody has sand, everybody has sea, everybody has golf, everybody has sunshine. The thing that distinguishes an excellent resort from an okay resort is the quality of service that you deliver to your people and that is incumbent on having the best possible employees and I know it's always been a priority for Maui Land and Pine in the past. My perspective, and I think, don't get me wrong, I think you did a fantastic job on Pulelehua, I mean, an exemplary job on Pulelehua. The subsequent projects that have come up are kind of like if I were to put a term on it, is kind of like tucking the employees into the dark recesses of the resort from the standpoint of not fully embracing them in the resort community. I don't know how you do that from the standpoint of making the uses work in a mixed use situation, but I have to believe that it's possible to do that in some way. And what I'd like to see is a component within the project that gives a level of importance to the employees equal to that of the guests where you're honoring your employees and saying yes, you are a part of the resort community, you are that important to us, you are a part of Kapalua and this is where we can make you become a part of the resort if you so choose. If you want to get as far away from the resort as possible when you're off then by all means there's

these other areas that you can go to. But that kind of is my perspective in terms of whether or not, you know, we can meet it somehow, increase the density from a 196 to 220 to accommodate the additional units or something. That's just my thought.

Mr. McNatt: May I respond? Is that okay Madam Chair? I disagree. I think we have taken the employees to heart and will continue to do so. We have for our affordable housing projects right now about 225 employees that are signed up that need, that will qualify for workforce housing within the income levels. That's about half of the affordable units that we're proposing for Pulelehua alone. We also have the other 42 units that I mentioned in Site 6-0 which I think is an exception site for employees. It's within walking distance to Kapalua Bay. It's right next to the Bay Golf Course driving range which is available to the employees. It's a great site and also close to their jobs for walkability.

The West Maui Village site is another superior site, right across from Napili Drive with in some cases exceptional views of the ocean, walking distance to Maui Prep Academy and our employee's children have preference for assistance to go to MPA and so that's a bonus and they're right there close to shopping and surrounded by open space. So those three sites and they're all what we consider part of Kapalua Nui which is the overall thing that this almost park like setting that we're trying to create within that 23,000 acres. So they're all part of the family and as I mentioned we would love to try to figure out how to put about 10 units in here, make about 10 of them in the village affordable. So we've asked our employees, would you want to live here? Well, the golf pro and the hotel worker that's here for a few years would love to live there, but the families don't really want to live in the resort. They want to live in their own community. They want to live in a community, where it's a community where everybody lives there all the time and we've run into that over and over again. So we think we're on to something there that makes sense especially with Pulelehua. I hope that answered your question.

Ms. Amarin: Commissioner Pawsat.

Mr. Pawsat When you say workforce housing is that rental or is it ownership?

Mr. McNatt: It's both. The big –

Ms. Pawsat: What's the percentage of each?

Mr. McNatt: Well, it varies. Site 6-0 is all rental, 42 rental units. The West Maui Village site is all for sale about 85 I believe for sale units. Pulelehua is 325 for sale units and 125 rental units.

Ms. Pawsat: Well, it would be nice to get a total figure of that. And then also, you know,

mixed income and mixed use that concept has been around for a long time so that's just something you can think about. And also, park like setting, to me if you really want to create a park like setting you do increase density so there's less buildings around so you can have more park space because this is very, you know, suburban and generic really. And you can just prove that in general because it is something conceived of in 1968 and hasn't changed at all. It's very weird. But that's all my comments.

Mr. McNatt: Thank you. I do have a total for you. It's 405 for sale units and a 167 rental units of those three projects. It doesn't include the gap units that also are allowed between the affordable and the market rate.

Ms. Amorin: Director.

Mr. Hunt: Bob, I know it's hard to predict things because of the market, but do you have any time line for this project completion, release of units this kind of thing?

Mr. McNatt: This one?

Mr. Hunt: Yes.

Mr. McNatt: Yes, we would like to go into final design this year and start construction next year and it's going to take about two and a half years to build it, probably three.

Ms. Amorin: Commissioner Guard.

Mr. Guard: I believe at the last meeting one of the things that came up was just energy conservation measures for either solar water, etc., I think possibly Commissioner Starr might have brought that up. Have you guys done any more work towards any of those to address that?

Mr. McNatt: Well we're always looking at that and we had agreed at that meeting to do the solar water and we're committed to do that, but we're looking at – we have, my expert here on alternative energy systems and so forth and we constantly analyzing that. That's why we know we can't use for instance, gray water for irrigation, but we are looking at solar and we're – I think I also mentioned that we're going to be replacing a hydroplant that we used to have in our ditch system. There used to be hydroelectric generator there, we're going to replace that so that we can bring that back on line. So we're always looking at ways to use alternative energy and save water.

Ms. Amorin: Thank you. Commissioner Iaconetti.

Mr. Iaconetti: Bob, I don't know how you're going to do this but is there any means by which you can keep the service trucks, etc., from going down Lower Honoapiilani Road servicing your project here?

Mr. McNatt: Yes, we are constantly trying to do that and for the project that's going on right now, we have standing orders for those truckers not to be going south on the lower road. They have to go up Office Road. And if anybody ever hears that trucks are going that way, please let me know because we're always after them to not do that. Sometimes the independent guys will go that way and try to get away with it but we're catching them and turning them around whenever we can, but we definitely don't want them going down the lower road. That's one of our conditions.

Mr. Iaconetti: There are a lot of large trucks that go by Lower Honoapiilani. There's no way I get out there and stop them and find out where they're going.

Mr. McNatt: Yeah, please don't get out there in front of them.

Mr. Iaconetti: But there's no other place that they could be possibly going to.

Mr. McNatt: Well, there are a lot of projects that aren't ours. There are independent construction jobs all over that are not us. There are houses being built that we're not building. You know, there's things happening in Napili, but our truckers are specifically told not to go south on the road. They have to up Office Road.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: I hope you've come up with some other means of access to your project 6-0.

Mr. McNatt: Site 6-0.

Mr. Iaconetti: 6-0. The means by which you get to it is an extremely dangerous intersection. The driveway as you call it, the road as it should be called goes right into Lower Honoapiilani Road as you well know in a very blind corner.

Mr. McNatt: Can we save that one for the next hearing?

Mr. Iaconetti: What's that?

Mr. McNatt: We're going to have a hearing on that project, right at some point? In a couple more months we'll come back before you and we'll talk about that, okay. Thank you.

Mr. Iaconetti: Good.

Ms. Amarin: Any more questions to the project. Seeing none, thank you very much. Ann Cua.

Ms. Cua presented the Recommendation.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: ...(inaudible - changing of tape)... the conclusion of their negotiation with the what, workforce housing thing that I was concerned about. You said it shall be rendered, to whom?

Ms. Cua: Okay, lets go back to that condition. Basically it's stating that they shall comply with Chapter 2.96. I believe that's what it says and that will be determined by the Department of Housing and Human Concerns, shall be rendered by the applicant.

Ms. Amarin: Director.

Mr. Hunt: Ann, as that condition is worded as you proposed it's possible that the determination could be made that they're exempt from any requirements under 2.96.

Ms. Cua: It could be. I don't think that's what we've heard, but –

Mr. Hunt: I understand the applicant volunteered 40% unless the 2.96 requires 50%.

Ms. Cua: That's correct.

Mr. Hunt: Could we word the condition that way? I'm getting a head nod from Bob.

Ms. Cua: Okay.

Mr. Iaconetti: And my question is would we be, would this commission be advised of the final decision there?

Ms. Amarin: Director.

Mr. Hunt: We can advise you as a communication item. It wouldn't be up for your review, you couldn't do any action on that, but we could inform you, communicate with you.

Mr. Iaconetti: Good.

Ms. Amarin: Director.

Mr. Hunt: There was some discussion regarding the greeter station. Does the commission want to put a condition on there that the greeter station be to the side of the road and not block the road?

Mr. Iaconetti: I would personally, yes. Do you need a motion to that effect?

Ms. Amarin: Do we have a consensus on this? Commissioner Hiranaga.

Mr. Hiranaga: I have concerns about it being placed where it's proposed because I think it will impede the flow of traffic and I think it would be better to be placed on the side as a pullout, but I'm not a traffic expert.

Ms. Amarin: Did you want to hear from the traffic expert? No, okay. Commissioner Iaconetti.

Mr. Iaconetti: Would the applicant be in agreement to put it off to the side?

Ms. Cua: I'm still working on the housing condition. Yeah, I can go ahead and draft condition no. 30, and what I was looking at, I was looking for the Urban Design Review Board because I believe they had made that recommendation. So I can draft similar language to that.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Bob, would you make a commitment for the 50% affordable housing requirement at this point?

Mr. McNatt: Commissioner Hedani, no I can't. I'm not authorized to do that. I'm authorized to go to 40% unless there's a determination later that through this process that we go to 50. And you know, the way the ordinance reads, 2.96, even if we increase the density by 20 units to make up the difference, we would have to provide 10 more units just to take care of the affordable units for that 20. So it's actually 30 units more which makes it real difficult to do.

Ms. Amarin: Commissioner Guard.

Mr. Guard: I few people did that knowing the affordable housing was going to be taken into account and tried to get signed off and we're seeing something similar at Palauea Bay knowing that they shouldn't have built there, they did anyway. So I think it is, it's definitely better than the 25%. A lot of people did try to get signed off and tried to hide behind the previous Mayor's signature and Alice Lee's signature, but I think it is quite a few more units to go that extra 15% as it is.

Ms. Amorin: Thank you. Ann, we're just waiting for you to wrap it up.

Ms. Cua: Okay, how I've drafted condition, amended condition 27 regarding affordable housing would be, "that as represented by the applicant, a voluntary contribution of 40% affordable housing shall be provided. Should a determination be made that 50% is required, " I didn't finish. Was I going, I mean, is that where you want me to go with this? Well, the applicant brought up a good point. In addition to saying, "that full compliance with Chapter 2.96 of the Maui County Code regarding affordable housing shall be rendered," we can say, "that as represented by Maui Land and Pineapple Company, a minimum number of workforce housing units at 40% of the number of market rate units shall be provided." And then that way you at least have the 40%.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Okay, I thought what I heard Bob said was that he was committed, he can commit to 40% for affordable housing. If it's determined that 50% is required that they can commit to 50%.

Ms. Cua: Right.

Mr. Hedani: Right.

Ms. Cua: So as I was starting to say, "should it be determined that 50% is the requirement, 50% shall be provided. This is after we've said that a minimum of 40% will be provided and we can work on that specific language with Corp. Counsel if you don't mind.

Mr. Hedani: I don't know, I'm just getting confused here, I guess. If the workforce housing requirement, it says 50% is required they'll provide 50%.

Ms. Cua: Correct.

Mr. Hedani: And that's dependent upon a legal interpretation of whether or not they're exempt.

Ms. Cua: I –

Mr. Hedani: Based on a prior agreement.

Ms. Cua: I think it's just – it's more than they're exempt, it's also what is the percentage because, you know, in addition to the provision for exemption, you know, they do have a bilateral agreement which, you know, they believe the requirement could be 25%. But they're saying they're willing to commit to 40% today. Is what I heard.

Ms. Amarin: Commissioner Pawsat.

Ms. Pawsat: Or otherwise it could be less than 40%, right?

Ms. Cua: No, they committed to 40%, a minimum of 40%. And that's what this condition would say.

Ms. Amarin: Commissioner Iaconetti.

Mr. Iaconetti: The minimum statement bothers me, can we say at least 40%?

Ms. Cua: It means the same thing.

Mr. Iaconetti: Well, it doesn't in my mind, but it may in yours.

Ms. Cua: Okay, we can change that. We can say, "at least 40%."

Ms. Amarin: So it's all set. The language is set.

Ms. Cua: And I do have one more condition. Condition no. 30, "that the greeter station shall be relocated to the side of Office Road.

Ms. Amarin: Okay, that concludes your recommendation with conditions.

Ms. Cua: That concludes our recommendation.

Ms. Amarin: What's your pleasure? We have a motion.

Mr. Guard: I have a question for Corp. Counsel.

Ms. Amarin: Commissioner Guard.

Mr. Guard: At the public hearing, had a member from the public ask me to recuse myself and that since has been resolved. So do I need to at least for the record say that I'm participating again? I'm participating again.

Ms. Amarin: We have a motion on the floor.

Mr. Iaconetti: This hurts, but I move approval.

Ms. Amarin: We have a motion the floor to approve but Commissioner Iaconetti, do we have a second?

Mr. Guard: I'll second.

Ms. Amarin: Second by Commissioner Guard. Any discussion? Commissioner Hiranaga.

Mr. Hiranaga: Just one comment. I guess I keep having difficulty with this traffic study and just a personal experience, I attended the Mercedes Golf Championship last year or is it this year, I guess, January, and driving back to Paia from Kapalua the traffic into Lahaina Town was backed up beyond the pali lookout and there was no traffic accident because I drove from Kapalua all the way to Paia. I just hope that the developers that are developing on West Maui realize that there was probably a lot of very unhappy people in that line because I'm not sure how long it took to get from the pali lookout to Kapalua or to Lahaina, to Kaanapali. So if you keep building these things you're going to have to do something about the traffic. It was pretty – I was pretty amazed. Sooner than later. Those are my comments. The traffic over there is really bad.

Ms. Amarin: Thank you. Commissioner Guard.

Mr. Guard: Thank you. Similar to Commissioner Iaconetti, it's a painful one to have go through because that public hearing was probably one of the most emotional ones that I've had to sit through. It's only been, well, second year now, but the sentiment is changing especially on the west side. So I hope there's not too many more Kapalua projects coming before us. The same people and I now can point them out in the public and hopefully they won't be able to point me out for approving these projects. But to really take the general public into consideration out there. That I know it's your jobs, but you're dealing with people's lifestyles and their lives and a lot of them are county employees trying to raise a family and they're giving up their lifestyle for these type of projects to keep going through. And then I hope there is an end to being able to drive around that side of the island and not have more and more golf course lots up every ridge out there. You're making it – it's a difficult position for us to be in. It starts to really get to you when you see the emotional side of people in front of you at a evening meeting. It's a lot different than the people that can come here midday on a Tuesday. And maybe you're immune to it, but I'm not and this is one – you're in a very difficult position here on out. So I hope you can do something with this project and actually start building something.

Ms. Amarin: Thank you Commissioner. Commissioner Pawsat.

Ms. Pawsat: Yeah, I do think the commission, I think we shouldn't be in these positions to make these decisions and I think these sort of things should have been dealt with before in a comprehensive park system and transportation system and for some reason, you know, we're way, way, way behind and these things were passed way, way, way before we were way, way behind still. So I – and I hope the general plan it will include a very comprehensive and very – you can map it the transportation and the recreational system

and the park system within that. That's all.

Ms. Amarin: Thank you. Just my own comments. I, too, was overwhelmed with the concerns of affordable housing by the testimonies in Lahaina. Maui Land and Pine, I see your generousities to the community and I can understand, you know, your business. But we need to get those affordable housing built sooner than later and as far as the Lahaina Bypass, maybe you shouldn't develop anything until after that's done. But you know, you're a big benefactor out there for the community and they see you as being such. So you can probably make it happen faster than we could, and I applaud you for trying to do that. Thank you. Director.

Mr. Hunt: Dr. Iaconetti, I was wondering if you could just help us understand why you are pained. It helps, as planning staff, it helps us deal with the issues that you guys are grappling with.

Mr. Iaconetti: I am what?

Mr. Hunt: You said you were pained to make the motion.

Mr. Iaconetti: For the reasons that has been mentioned here today and at previous meetings. There's more development than the infrastructure can take care of and it's becoming increasingly difficult to maintain a lifestyle over there that we are used to and we hope our children can enjoy because of the persistent development of high cost living accommodations that isn't doing a thing except providing more tax money for the county. It isn't doing a thing for the people that live here that are residents.

Mr. Hunt: Thank you.

Ms. Amarin: Thank you. Okay we have a motion on the floor.

It was moved by Mr. Iaconetti, seconded by Mr. Guard, then

**VOTED: To Accept the Recommendation of Approval of the Special Management Area Use Permit and a Phase 2 Project District Approval with Conditions.
(Assenting - W. Iaconetti, J. Guard, K. Hiranaga, W. Hedani, J. Pawsat)
(Excused - B. U'u, J. Starr)**

Ms. Amarin: Motion carried. Congratulations.

Mr. McNatt: Madam Chair, Members of the Commission thank you very much. We appreciate your support. Help us get Pulelehua approved.

A recess was called at 5:17 p.m., and the meeting was reconvened at 5:22 p.m.

- 2. MR. BILL FRAMPTON of PAPAANUI, LLC requesting a Special Management Area Use Permit for the Papaanui Subdivision, a Seven-Lot Residential Subdivision in the R-3 Residential District at TMK: 2-1-007:009, 060 (portion), 2-1-007: 094 (portion), and 2-1-008: 100 (portion), Makena, Honuaula, Island of Maui. (SM1 2004/0023) (R. Loudermilk) (Public Hearing conducted and matter deferred from the June 12, 2007 meeting. Commissioners: Please bring your materials with you.)**

Ms. Robyn Loudermilk gave background information on the application.

Mr. Bill Frampton: Good afternoon Commission Members. My name's Bill Frampton of Papaanui and my partners, Dave Ward and John Santos are also here as well as staff from our office and civil engineer, Stacy Otomo and our counsel, attorney, Blaine Kobayashi.

First off, just want to say we're very grateful for the opportunity to be able to come back before you and present our project. I understand it's very late in the day, and that being said, we do have a very abbreviated power point that we could go through if that's okay or we could talk just from the boards, whatever the commission desires.

Ms. Amorin: The power point, go ahead.

Mr. Frampton: Okay, thank you very much. As Robyn noted, our project is located in Makena. It's called the Papaanui 7-lot residential subdivision. The subject property itself measuring 3.93 acres is located immediately mauka of the Makena Landing on the mauka side of Old Makena Road.

Surrounding land uses include condominiums, hotels, golf courses, other high end residential as well as numerous recreation opportunities. The subject property, it's important to understand that there are four subject properties involved here. Our primary parcel measures a 3.49 acres where most of the whole subdivision takes place. The upper old Ulupalakua Road which we purchased from Ulupalakua Company. This small triangular shaped parcel, again, which we purchased from Ulupalakua to incorporate as part of our project and the forth parcel is a parcel we don't own but is part of our project and it relates to the drainage basin and access to our property. I do want to note again on that slide it does show that the roadway traverses our property and we'll cover that in the next slide.

This is our site plan shown here on the board as well as up on the screen. The screen does just call out a few highlights and of note is that our overall design objective was to come up with a project that tried to maintain the rural residential feel of Makena. And in doing so we assessed numerous alternatives including multi family because the property was originally designated as multi family in the community but in the end we came up with a seven lots, single family residential. I do note that the lot configuration came from working with two architects to identify buildable site areas and then after we identified preferred sites, then we drew lines around those versus just going right in and trying to chop it up and maximize the number of lots because our zoning does allow for 10,000 square foot lots, we're preferring to go with the more larger lots.

Also, noted, if you could go back to one slide before that Dean, I just want to call out our oversized landscape drainage basin. We have subsurface drainage for lots 1, 2 and 3 at the top of the property. Our project also includes standard subdivision improvements including underground utilities, fire protection and whatnot for the area.

The project highlights that I'd like to note and we also view as public benefits relate to the environmental resources of the area of which the coastal shoreline ecosystem we believe is very important in this area. That's why we have designed our drainage basin to exceed government requirements. It's very much, it's over 250% larger than what's required, but we're very pleased about it. We're excited that we worked out an agreement with Makena Resort.

Roadway improvements as noted earlier on our plan shows that we own the road – Old Makena Road comes through our parcel. Right now we own the two parcels, the road that goes through our land. However, it was never our intent to keep that. It was always our intent to improve it, ideally to rural standards and dedicate to the County and clarify once and for all the access issues down there. Back in the 1970's I'll note that the access down there was blocked off by the previous landowners. In fact, the barrels are still on the property that Mr. Ferreira used but that's never our intent. Our intent is to improve to rural standards and dedicate to the County.

Parking at Makena Landing, the exhibit that Robyn handed out, we note includes relocating the existing access way into the Makena Landing and providing 10 more stalls and creating a neat park picnic area that's what I think enhance that area down there.

And lastly, something that we're really proud about is our work force housing agreement. A volunteered agreement that we entered into with Lokahi Pacific. We were exempt from the workforce housing ordinance because we had preliminary subdivision approval prior to the adoption of the ordinance. However, we had a neat opportunity to meet with Lokahi. We found they had two projects in need that we were able to help them with and it's a total of \$600,000 in an affordable housing agreement which has to be completed prior to

subdivision approval, final subdivision approval of which \$50,000 we've already contributed actually. They contacted us a little while back and asked if we could help start renovating the project and we did so.

Dean, if you could go ahead to the photographs. The photographs right here will show the roadway. Just to note again, here's Old Makena-Keoneo'io Road, we proposed to keep it, you can see it's got that rural character. It's always been historically a neat, small road. We want to just bring it up to match the roadway over here, keep it safe, but yet also keep that rural feel. Our subject property identified in red here, you can see how the road comes right through our land.

If you go back one slide Dean, I'd like to note, two slides sorry, the drainage basin. Our drainage basin for the bottom four lots, flow, the direction of storm water runoff identified in blue, the top three lots identified as well in blue – the top three lots excuse me, will drain to a subsurface perforated pipe located in lot 1. All of the drainage though the runoff will go through catch basins with filtered inserts which is another step above than what's required but the goal there is to collect pollutants, sediments that are contained within a lot of the runoff that we have today from oils and whatnot and pesticides to prevent it from running into the shoreline. And currently as I'm sure many of us know the water right now is allowed to flow right on down this road and it takes – it flows right in directly to the ocean and our goal is to prevent that runoff from going into the water and do our best to improve the situation and we put in this large landscape basins that has a capacity of 35,000 cubic feet. Our requirement would be for 1,929 and we greatly exceed I think our requirement there.

I think if you go to the proposed park improvements, under the proposed park improvement plan if you look at the handout we gave you, the idea here was at the time of the County Council hearing we were asked during this process whether we would be able to work with Makena Aina resort and the County to come up with a way to add more stalls yet try to create, essentially they asked us to create more stalls. What we came back with was this conceptual plan that showed us the relocating the existing accessway. The existing accessway is right adjacent to where you come out of the – the existing access for the park is located right here. The access into the shoreline is immediately next door. And again, water comes right on down through here and goes into that shoreline. The idea would be to block off this access here, recreate a new entryway here and we're able to do so because this is the land that we own here, this is part of our land. Originally when they built this accessway they had to come around that private property. We weren't the owners at the time, it was an old family. So they had to come around here to provide access to the parking area. We thought what if we blocked this off, put a new access driveway here as shown in the plan and then pull out, rip out the pavement and create a nice, green area with picnic area, little trail from the parking lot to get over and also include handicapped parking stalls which don't exist down there today.

Again, the key thing there is relocating the existing access to an area that functions a little bit better. And also as mentioned at the last meeting, Commissioner Bruce U'u noted that a lot of the stalls currently are being taken up by commercial activity vehicles. Our idea at the Council was suggested that we help put up signage to help enforce the fact that restricting commercial use of those stalls by commercial activities.

The last, I can show you here on these photographs, again, existing access located right next to where the shoreline is. You can see the vehicles driving down to the shoreline. Not a healthy situation. We would block off this access with planting but the big important piece is to take out that pavement area and replace it with grass and whatnot and a nice hang out area. We think it would be a really nice improvement for the area.

In addition to that park improvement for the offsite area, we're required part of our subdivision to do \$76,000 contribution which will be done at the time of subdivision. So it's another in addition to that. It's another fee that will be in place, but we've already committed to, you have to as part of the subdivision improvements.

The last slide, Dean, why don't we go to the affordable housing slide and then we'll wrap it up. The affordable housing slide again, it's a partnership with Lokahi Pacific to help with the workforce housing. It's \$600,000. It's an agreement that's in place, recorded on our title and the neat thing is that it's going to help 15 units in the end. The workforce housing requirement for our property would have been four units. We're doing 15 at a total of \$600,000. We feel really good about it. We thought it was a stretch at first, but after the kind of project we're doing we felt we were able to do so and we're happy to do so. And that will wrap up our presentation and it's an abbreviated presentation, but I didn't want to take up too much time. We're available for questions.

Ms. Amorin: Thank you Bill. Commissioner Guard.

Mr. Guard: Yeah, first one. Are you going to put these trees in around that park? I think the county took out all of the existing trees there a few years ago and now it's like one of the hotter parking lots in Kihei.

Mr. Frampton: This, as you'll see, this area it still had a lot of the large kiawe trees. A lot of them were unstable, they took out but the idea was Makena Resort came in and has replaced them now with native trees. Our idea would be on our property area, we'll work with the county and come in and provide appropriate landscaping. But by doing the 10 additional stalls just for starters Commissioner Guard, you need to provide at least one tree for every five stalls, but that's not enough for the area. I know what it was it was like growing up, it's a nice shady area keeping in character again, with Old Makena-Keoneo'io Road is a shady sort of a drive and I think it would be neat to have some more trees down there.

Ms. Amorin: Thank you. Bill since the last meeting, did you increase the stalls or is it at the same?

Mr. Frampton: We looked at the stalls again and when you look at the layout the only way we could increase the number of stalls would be to keep the existing configuration where the driveway comes out now and just running a row of parking all the way across. That can be done. You might pick up two or three more stalls out of that, I'm not really sure. I think about two or three more stalls our civil engineer is telling us and then it would be just all pavement. And you wouldn't be addressing the access issues for the people who have to get out of their cars. For handicapped for example, how do they get back over to the shoreline and again, the way our plan is designed now, is there's a drop off area identified in the hatch mark area next to the handicapped stalls, but connecting right next to that area would be some trails, some paved trails to help the people get over to the shoreline area.

Ms. Amorin: So you're saying that rather than impede the safety of a turnaround area, we should not have the turn around stalls?

Mr. Frampton: Our preference would be and based upon all the communication with the neighbors, the association, they're very pleased with it, but that would be our preference as it. Thank you for the question.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I'm not sure if maxing out parking stalls is necessarily the best answer because Makena Landing is a fairly finite resource and if you have too many people there, you may lessen the experience. I think if people are unable to park there they may move onto a different beach. So I think there's a balance between how many people you actually want to be using Makena Landing at a single point in time.

The other point, I was out there on Saturday about 3:00 p.m., and maybe it was a slow day but it was like half the stalls were used. The pictures you have in your presentation maybe that was Labor Day weekend or something.

Mr. Frampton: Actually Commissioner Hiranaga, ironically when you turn around on the same day that I took these photographs, the stalls were pretty much empty. There were four or five cars in the stalls. The problem has always been because of the landscaping and trees and the configuration of how that driveway is so far away, you have to drive a ways to get to the parking. For whatever reason it seems like it's been – people either haven't visually seen the parking, I don't know what it is, but they're not using it and they're going – it's not a good setup like you said, finding that balance of how many stalls could we fit in there, appropriate number because in the long term it would be nice to have those stalls, versus, also creating a nice green area, a nice area with some picnic tables like

shown on the plan.

Ms. Amorin: Commissioner Guard.

Mr. Guard: You guys discussed in one of these your CC&Rs. Have you finalized any CC&Rs for the project?

Mr. Frampton: We have not finalized or recorded those. We've got conceptual design guidelines and standards right now.

Mr. Guard: So many times if you're going to sell the undeveloped lots do you have a preconceived idea of how you want the homes to look especially on size. I think that's the main issue for people driving by the last lots down there were above Palauea Bay and I mean you're looking at some 8,000 to 10,000 foot homes. So I don't know if your intent is to have that 10,000 foot homes on the property or if you're going to try to limit your buyers to maybe people that have a little more taste and plantation style.

Mr. Frampton: It's a very good point and Commissioner Guard, we do have with us today, we didn't hand them out but if you'd like to have a copy of our draft CC&Rs, the design guidelines that we submitted to the County Council for the same questions that were being asked that you have. The idea was to again, maintaining that rural residential character of the area. One of the things we want to strive to do is incorporating the traditional Hawaiian architectural elements, the pitched roofs, the large shady overhangs for lanai area, large shady trees. The height concern, we have a height restriction that we included on your, the full complete power point, there's a slide in there. If you want us to go over it I can but the primary issue is that the top of the property which is essentially near the top point of lot 6 and 7 is right around 75 feet above mean sea level. No roof shall exceed that height for lots 4, 5, 6 and 7. So if you were standing at the top of that – the very top of the lot, the idea was that all peaks of roofs will be below your feet essentially. That was done to preserve the view corridors for the folks up above and when we worked with Makena Aina Corp.

Also, it helps from down below looking up. The size and the massing of these buildings that could be there we wanted to work with the height restriction. Another component that might help shed a little light on that is the retaining walls. Because of our success at the Council to keep the roadway at a rural scale which was the pavement width of 22 feet versus 28 but more importantly not having to pave a 48-foot wide right of way which was being required of us in the beginning only because of the code requirement not because of our Public Works Deputy Director didn't force us to do it. We talked about that earlier. But we luckily – at the Council Councilmember Anderson was really helpful in preserving that right of way so that it was down to 32 feet. That allows us to have a maximum height retaining wall of four feet on the mauka side of the road. That will be the maximum height

of the first wall if you will. If folks want to go higher than four feet you have to go in I think at four feet no higher. The next wall is going to be restricted to I think no higher than six feet and after that it starts to become really cost prohibitive in terms of going up. But we did on every lot we had two different architects take a look, one primarily architect take a look at each lot where would you build or how could you make out this house and come in and that's where we came up with the lot sizes and the grading idea.

Mr. Guard: What did they think the max size of the house would be?

Mr. Frampton: Well, working with— the height restriction is going to be your biggest limiting factor. You can't go 30 feet above existing grade. So we're not asking to change the grade on the lower four lots. That is the grade. They'll have to work off of that. So if they want to go above, if they want to go 30 feet in certain areas, you're going to have to match up with the 75 feet from above. And so you're going to end up having to cut into the land which is ideal.

Mr. Guard: Sort of like building envelopes though or anything like that.

Mr. Frampton: We're using rural sideyard setbacks will be applied and we're going to have our own design review committee with architects on board and a civil engineer that will have to match up with our design criteria. Which again, we could hand out if you're at interested in seeing the LEED standards and whatnot that we're encouraging.

Mr. Guard: Good point, because on LEED standards one of them is limiting the per person footprint that they actually take up and to encourage smaller buildings I believe, right?

Mr. Frampton: Right.

Mr. Guard: To say that, I mean, if we have to ship all this material in to have 3,000 feet that's unused except for two weeks out of the year, that that might be six people's home on a normal. I mean, the idea is to outside. So maybe to consider that when you actually make your design guidelines to encourage the smallest footprint possible.

Mr. Frampton: Absolutely. And like you said, within the LEED, the leadership and energy design and efficiency, we'll have the criteria from the U.S. Green Building Council. One of the gentlemen that's helped start that whole concept is an architect who's been, we're close with to try to work with on this project.

Ms. Amarin: Any more questions? Commissioner Pawsat.

Ms. Pawsat: Yeah, I would totally go for this project if the catch basin were public space and that's why I was confused last time. I was under the impression that the catch basin

was public space, usable public space but it's a catch basin. And you know, and it wouldn't bother me so much you know except it's right across the street from this really nice beach and that wouldn't bother me, and even so it wouldn't bother me so much if I didn't know, if I had some idea of what was going on next door at Makena Resort whether or not they were making, you know, putting a park across the street in that space for public use. Because, you know, this is definitely an instance where this is a very valuable spot and it's not being, you know, if there were really good parks system here I would think it would – it would look like that, but that wouldn't be a catch basin and that would continue. You know, that's what I'm saying. And so if I knew that Makena Resort was – because you're already talking to Makena Resort, right? You keep saying that it's twice the size, the catch basin is twice the size that's required but Makena Resort's going to use that remainder of that, right?

Mr. Frampton: Sure.

Ms. Pawsat: When they develop theirs.

Mr. Frampton: Absolutely.

Ms. Pawsat: Right, so. So there's that point and then the other point is, why can't you make 4, 5 and 6 accessible from the back because you have that spur there. Why does it have to go in the front and why isn't there off shoulder, I think there should be shoulder parking along there because although I do agree that you're removing road there, it will make a really nice space right there actually.

Mr. Frampton: Removing the existing driveway?

Ms. Pawsat: The existing drive, that will make a nice green space, but I don't think you should pave like little path, and I don't think you should put little picnic tables. Those are just magnets for cigarette butts and beer caps really, picnic tables. And the only concern I have about...(inaudible)... the driveway is that there's a pretty steep grade there. And you know, and so for tourists coming in and out of that grade, I don't think you should add more parking there. I agree with Kent but the other thing is, so and because there is this big resort nearby, Makena Resort, there is going to be way more people wanting to utilize this area. And unless, I mean, right now if that's all – if that's the concession that we're supposed to go on that this catch basin is enough for all this area, which is basically our extent of our knowledge right now, it's not sufficient. You know what I mean?

Mr. Frampton: Somewhat, not really.

Ms. Pawsat: Well, there should be some –

Mr. Frampton: I can answer some of it, maybe and see if we can get somewhat there. Maybe a little background might help Commissioner Pawsat. Originally this area outlined in purple, that's our large primary parcel. Here's the roadway parcel that we purchased and here's the other parcel that we purchased for Ulupalakua.

When we first came to the Planning Commission, this area was not included as part of our project. We had a Lot no. 9, our private roadway coming from 10 feet in elevation going up to about 18 to 20 feet in elevation was the only way we could get an access up here. That was going to be a substantially steep driveway, again, going from 10 to 20 in that short of distance would have been very steep. On top of that it would have required a very, I think it was 16 feet in retaining wall.

Ms. Pawsat: Sorry, sorry, no, I don't really care about the history of how difficult it was to develop your piece of your property. That's really not our place here. You know, how you had to work out a deal with Makena Resort to build your catch basin. I don't understand why that's part of our concern. I thought our concern should be recreational space really --

Mr. Frampton: Actually your concern for the commission --

Ms. Pawsat: And the coastal zone management.

Mr. Frampton: -- is coastal ecosystems, the protection of the shoreline area based on the coastal zone management.

Ms. Pawsat: Yeah, coastal zone management which allowing for recreational access to the coastal zone.

Mr. Frampton: Okay, so we don't block off any access to the shoreline from our project.

Ms. Pawsat: ... provides for recreational use.

Mr. Frampton: Can I finish the one point though. What I was showing earlier was this access driveway would have been very difficult to build and it would have been very massive wall in your face coming out of this driveway. We really didn't want to pursue that route. So we did approach Makena Resort. Makena Resort agreed to allow us to bring our driveway in along the side starting at 20 feet in elevation and staying at 20 feet essentially. It was a nice smooth driveway, worked with the contours, minimize doing heavy grading activity. The resulting area down here, became a really valuable asset to the community. We've gone to many different -- all the Makena homeowners association but primarily the Council was very concerned about runoff and what we were going to do and we were able to go to instead of having 1,929 cubic feet of storage we have 5,000. That's a substantial amount of storage for four lots.

Mr. Pawsat: Right, but the rest of it is going to be used by Makena Resort, right.

Mr. Frampton: The rest of it is allocated to Makena. They can't exceed that and they're entitled to – anyway, we thought that was a really exciting component part of the plan. That's all I can say.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Okay, just to clarify ...(inaudible - changing of tape)...basin is 35,000 feet?

Mr. Frampton: 35,000 cubic feet.

Mr. Guard: So we need, staff needs to be aware that there's – they only can use 30,000 of it. You're still are over double what you need and we just looked at one that was 5% or 50% over.

Mr. Frampton: We're 259, yeah.

Mr. Guard: Even with Makena taking on 30?

Mr. Frampton: Sure. Absolutely.

Mr. Guard : So we just need to make sure, if that 30 is only half of what they need we could get a basin that should only be 15,000 feet of what they need.

Mr. Frampton: And Commissioner Guard, you're absolutely right. That project, whatever happens mauka for one will need to come before this body, because it's located within the SMA shoreline area. But also, the two agreements, our agreement and their agreement are both recorded on each other's property, titled documents, all that kind of stuff have to be turned in as part of all these applications. You need show what land ownership documents, whatnot, those get scanned and agreements do come – pointed out.

Mr. Guard: Yeah, just so we don't forget that for the next, when they come back up. And then is that basin going to be fenced off for safety, or as Commissioner Pawsat saying, it is, it's kind of a nicer green area than it is now. I think it's all kiawe forest and a couple just old corrals or something in there.

Mr. Frampton: Yeah, the idea Commissioner Guard, is to absolutely not fence it off. The only thing that we had proposed was we have a nice lava rock wall coming down this portion of our property. We probably proposing to carry over maybe a two-foot high dry stacked wall just to help create that line, that little visual separation as you come around the basin. But fencing would have defeated the purpose of what we're trying to go after

and we'll have to work with Public Works, they may have a comment on this but it's going to be open for landscaping. We have to be able to get down into there and landscape. There's actually two basins. And that was the intent was not just a big pit with your chainlink fence going around it. It's a sculptured basin if you will. We worked with somebody to work with an appropriate, there's a low area here and another low area here, you could walk across there for the people living here and again, when you look at the overall area we were – we're really excited about it. It's a unique, creative way to deal with drainage and exceeding government requirements is what we hope is precedent setting in many ways. The bare bones standards don't seem to be working on a lot of areas.

Mr. Guard: So the owners of Lot 5 and 6 they're going to be made aware that they can't fence off straight through the drainage basin to cut that part off?

Mr. Frampton: Absolutely. It will be within the CC&Rs, the design guidelines, where the CC&Rs will require the subdivision to maintain the basin as well. We're going to put in native plants, will be used for the landscaping purposes, but it's also going to be maintained. It can't be just a one-time planting.

Mr. Guard: So it's not only their – they're not only ones committed, the whole subdivision will pay to maintain.

Mr. Frampton: The subdivision itself as well as the – there was a question at the last meeting by Commissioner Hedani about the maintenance, long term maintenance of the subsurface drainage pipe up here. Same thing, it's got to be maintained by the association. Same with the sediment basin traps.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Two more questions. How much lower is this basin than what it is now? Is that like a concern archaeologically to be digging that up in there?

Mr. Frampton: The elevation now is around eight to six feet or so, and it's going to get down to about, about four feet in elevation. And so as far as archaeological concern we did a complete inventory survey on the property, and anyways yeah.

Mr. Guard: Okay, so then if there's going to be a two-foot wall along the mauka side of Old Makena Road, where do 4 and 5 access their lots?

Mr. Frampton: 4 and 5 well access right off of the road. They'll have a – possibly even a shared driveway right here. We're considering. We're going to be working out with Public Works proper sight distance, whatnot, but there's plenty of sight distance there. The idea is we do have a pedestrian way coming down from the mauka side in between here to

provide that access from up above, but that can be still used as part of a driveway if it needs to be.

Mr. Guard: How steep is that, that's not that steep compared to the one you were talking about on that previous map?

Mr. Frampton: The pedestrian?

Mr. Guard: Or even for 4 or 5. Say I'm visiting someone who owns Lot 5 and I'm trying to leave and my brakes go out, I am –

Mr. Frampton: Commissioner Guard, the driveway issues for Lots 4, 5, 6 and 7 for that matter getting your vehicle up to the home will be architecturally probably one of the bigger challenges for the homeowners. They're going to need to come up with a creative way to get the vehicle up without making it too steep, making it an enjoyable drive.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: Could you put up slide no. 4?

Mr. Frampton: From the previous, sure. Dean, it's the second air photo. That's the slide?

Mr. Hiranaga: Yes. Again, I was out there on Saturday I guess attending a ceremony at Keawalai Church and I was looking across the bay to your project site and it's a fairly substantial hill.

Mr. Frampton: Yeah.

Mr. Hiranaga: And looking at what's occurred on the point there with all their two-story homes. I guess you have seen the house there with that gold turret, that's I guess photocells or something.

Mr. Frampton: I've seen a lot of those homes. It's impacted our design guidelines.

Mr. Hiranaga: I was wondering do you consider limiting the construction of the homes to single story because I just feel two stories on that hill is just going to be a really obtrusive. You can see, I mean, this picture is bad, but try looking at that point –

Mr. Frampton: Go to the one before that Dean. Okay, that doesn't work. Sure.

Mr. Hiranaga: It's just a huge massing on that point and they're built upon each other and if you have seven homes with ohanas that are two stories on your project it's just going to

be pretty overwhelming sight from sea level.

Mr. Frampton: Absolutely. And the property just so you know, right here the wooden roof, is the property that we, for the most part, grew up on for a long time with the Luuwai family and we're very intimately familiar with what's happened on that point. And to have the opportunity to purchase this property, to work with this property and come up with a site plan has been very much, we take with great responsibility and the design guidelines that we intend to use, a lot of it is based upon knowing exactly what's happened out here and being the frustration of what's happened out there, there are no cohesiveness in terms of designs. We want to allow some flexibility, some freedom in the design, but the types of materials that can be used, no reflective materials, encouraging of wood materials, again, we do have a conceptual design standards that may help you when you read some of this, it might help alleviate some of the concerns you're talking about. Limiting them to one story, we've talked about. We felt confident that when we worked with our architects to do our analysis Lot 4, for the most part probably will set itself up to be single story just because of the layout and its configuration. When we looked at seven building sites, Lot 4 was probably going to be single story. That wouldn't be that big of a restriction. Lots 1, 2 and 3 in the top, we felt good about based upon what's out in front on the corner here. I hear your concerns.

Mr. Hiranaga: That was a yes or no question.

Mr. Frampton: I hear you. To be honest, Lot 4, we wouldn't like, restricting it to single story would really impact us based upon all what we've committed to. What the affordable housing of \$600,000, the park improvements, everything started to add up was based on not having that restriction.

Mr. Hiranaga: Well, I guess my point is, you know, you've done things with the maximum height limits but even with maximum height limits when you have two story you have massing and being on that hill there, looking from sea level is just. I mean, it's like those homes are going to be reaching up to the sky and I feel that you have enough lot size that you can accommodate a fairly large house even though you're going to go to single story. And even if you have a high pitched roof, I think a roof is less obtrusive than having two stories and flat roof which is what a lot of those homes there now have in order to meet the maximum 30-foot height is they've all got these flat roofs but they got the huge massing and it's just. When I was out there I was thinking you've got two-story homes on that hill it's just going to be.

Mr. Frampton: Again, the design standards that we're using in criteria, I believe will take care of that. We've focused on Polynesian, Pacific style architecture, there's a lot of thought that's gone into whether or not we should restrict it. Because we thought about coming out and proposing that ourselves, but in the end after we did our analysis, we're

trying to raise the standards. We're hoping and we feel at every level from our drainage, not having to contribute to affordable housing and volunteering to do so, our approach has been all along, the improvements of the park was a voluntary thing. Wasn't required again. Everything we're trying to do, if we felt that two stories was going to be really detrimental to the area, we'd do that. We feel it fits within the area, it's in keeping the area.

Mr. Hiranaga: You say Polynesian styling. I guess, is there a history of two-story Polynesian buildings?

Mr. Frampton: There's plantation architecture, Polynesian architecture. We worked with this again with our architects. All I can say is we did the analysis and the studies and we felt very good about what we were presenting to the community.

Mr. Hiranaga: I guess unfortunately the other commissioners didn't have the opportunity to see this site from sea level, but it is a fairly large hill and when you actually put houses on it, it's going to be a pretty significant development overlooking Makena Landing and I guess I was just looking at that and trying to envision. So as far as, you know, I would prefer that it only be single story, but I'm not going to belabor the point.

And my other, one more comment, this comment about no street lights is that a Council condition? Because I don't know, I like street lights. You can have them down lit, you can have them low intensity, but for the entrance to Makena Landing I would think you'd want a street light there because it's a fairly, there's a strong curve there and there's a significant incline in the road so people are coming down with speed.

Mr. Frampton: Okay, the background on the lighting came from back in 2004 when we met with the Makena Homeowners Associations. They're the ones we met with first. One of the first things that came out strongly in suggesting was one, preserve the size of the road, the rural character size. But also to avoid curbs, gutters, sidewalks, the urban improvements.

Mr. Hiranaga: Yeah, I don't have a problem with those, I'm just talking about the street lights.

Mr. Frampton: I agree. I understand. It was added on as a condition of zoning to restrict the lights as well.

Mr. Hiranaga: From the Council.

Mr. Frampton: At Council. However, you bring up good points and I think at some level I don't know exactly if Public Works has a definition of what a street light per se would be, but lighting in the area, appropriately downward lighting not throwing your light onto the

road area, I think could be appropriate.

Mr. Hiranaga: Or possibly putting it out of the county right of way and putting it into the private area of the landing park itself.

Mr. Frampton: Okay, because that whole area is private.

Mr. Hiranaga: So wouldn't need to meet county standards. You could be a lower elevation. It could be just a 10-foot lamp.

Mr. Frampton: Okay, get that down. Okay, good.

Mr. Hiranaga: It seems like you'd want something at the entry to Makena Landing and also it helps to discourage crime or unwanted activity there because I know it's a popular place for people to do things at night, undesirable activities.

Mr. Frampton: That's a good point.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Yeah, back to Kent's first point. It is a big hill up there and Polynesian style has come into this commission before on 12-story buildings as well so the roof line it's really up to one's interpretation. I don't know if there would be consideration to just have it at least reduced so it's stacked. Your first floor might be bigger not just so you're – you can't build just a shoe box with a four-foot plantation pitch roof, kind of for both sides. I mean, we have to approve this with going on your good word on your good word on draft CC&Rs. I'm sure Na Hale O Makena in the photo is also a Polynesian roof, but it is, it's a big shoe box with a small roof on it. Just to consider that maybe people stack from their first story to their second story to minimize the two-story effect of that roof line and hopefully you're taking into account people that have done other CC&Rs and using them on your team. But just so 10 years from now something that we all approved and we're down in the water looking up at that we can say the intent was met.

Ms. Amorin: Commissioner Pawsat followed by Commissioner Hedani.

Ms. Pawsat: Do you have a list of the Board of Trustees for the Lokahi Pacific. I went to their website and there's really not information about it. And then my other concern about it was it was mostly refurbishment of rental units instead of home ownership. So I was wondering if you had any comments about that.

Mr. Frampton: I don't have a list of the Board of Directors, but I do know that the agreement we came up with, Lokahi Pacific, was approved by the Board of Directors and it includes

the refurbishment of eight units and the home ownership as well.

Ms. Pawsat: Yeah, I know it is. I want to know who is responsible for the implementation of these funds.

Mr. Frampton: Lokahi Pacific. We have an agreement with them and the funds –

Ms. Pawsat: Well, right. I want to know who makes up Lokahi Pacific.

Mr. Frampton: I don't know, we work –

Ms. Pawsat: Well, you should. You're giving them money. You're giving them \$600,000. I think you would want to know who they were.

Mr. Frampton: We can supply that information with you. I can tell you that \$50,000 was already paid to it.

Ms. Pawsat: And you don't know who they are?

Mr. Frampton: I do. It's Kamalie, from the Director, Sombelon, it's been executed and done. We've paid \$50,000 to date already and it's gone to – the photos on the last page, you're concerned of whether or not it's working, the last slide show we did showed, and I can bring those slides up if you'd like.

Ms. Pawsat: Are those the only two units you did?

Mr. Frampton: No, there's eight units being involved.

Ms. Pawsat: No, how many were done from the, you know, how many units. You know there's not enough statistics on that really about as far as efficiency of the group or anything about that.

Ms. Loudermilk: Commissioner Pawsat, Lokahi Pacific is a non profit corporation that has been in Maui for a while that works with the County Department of Housing and Human Concerns and they do have a track record. We don't have a list of the board of directors, but they do have a track record in terms of refurbishing and providing affordable housing. So we feel comfortable that Lokahi Pacific will perform as executed.

Ms. Pawsat: Yeah, understand, but I'm just saying the future, I'm not that impressed with the information of Lokahi Pacific as is provided. They could be very impressive but they don't give any impressive information on their website. So, that's all.

Ms. Loudermilk: Okay.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: I don't want to call you Rory again, but Lots 4, 5, 6 and 7, where was the access for those lots coming from again?

Mr. Frampton: Lot 6 and 7 are coming off of Old Makena Road on this driveway that's going to be going around the drainage basin. That was one of the primary benefits of this agreement with Makena was to eliminate the previous access, right. So Lots 6 and 7 will be coming off of this driveway. There's an easement on the very bottom of Lot 7 which will allow you to get to six. So you'll come off of here, go through the bottom of 7 and get to 6, 4 and 5 will come off of Old Makena Road.

Mr. Hedani: Okay, in order to address Commissioner Hiranaga and Guard's concern about the height of the buildings or the massiveness of the buildings, if you're hesitant about restricting it to a one-story versus a two-story structure would you consider relooking at the 75-foot requirement and seeing what the maximum height could be in order to develop a mass to the building that's not as oppressive whether that be 65 feet or 70 feet or whatever.

Mr. Frampton: Okay, I think understand that, as you go –

Mr. Hedani: In other words, I don't care if they excavate down in order to build their houses, in order to get two story, but still stay within a certain height.

Mr. Frampton: At 75 feet, that's why we did it that way because they do, if they want to go up high they're going to have to cut down to not protrude out into the roadway. We want them to be as setback into the hillside as much as possible to avoid this massing issue that folks are concerned about. So bringing that 75-foot line down, if you look back on page of the original handout, 24, on slide 24, we've tried to identify conceptually what that means. If you don't, we have another copy Commissioners. That slide right there Commissioner Hedani was to identify, you'll see in red, for lots 5 and 6 was just a sample we pulled out. On the site plan, it shows the direction you're looking which is sort of to the west if you will and it shows a cross section. That red is the 75 feet maximum height starting from, you have the drainage basin that you have to be setback to begin with. So you're quite a ways off the roadway to start. If you want to go up higher, you're going to have to cut down is what it's going to come to. And ideally again, we established that to work with the massing to avoid having these large buildings coming right out on top of you while you're driving or walking along Old Makena Road. It was very much a concern to us and again, we had – sorry, I didn't bring our architect here today to work with you on this because he's much more qualified to talk about this. Knowing the point out there as well as we have all our life, I want to avoid that.

Mr. Hedani: I guess the question that I had was, when I relate to 75 feet I relate to seven-story building at 10-foot per story. And I don't know how the 75 feet relates to these lots.

Mr. Frampton: Okay, I'm sorry. The 75 feet was just to identify that they'll never be able to get up there. When you work with existing grade, we could draw that line downward to better I think satisfy what you're talking about similar to how we've done it on Lot no. 2. We could have a line that follows 30 feet from existing grade, the problem is, it would allow people at the top of the property to go up 30 feet and you'd have a massive structure at the top of the property. This was done to minimize the massing and scaling of this building. It's why that – Stacy maybe you might explain it in a better way. I apologize if I'm not –

Mr. Hedani: Let me ask the question in the reverse. Instead of 75 feet what is the minimum height that you could go with that would still make a two-story work without being oppressive?

Mr. Frampton: 30 feet from grade, right you know is code, 30 feet it's going to have relate to the side yard setbacks and the rear yard setbacks when you apply those. I don't know if any lowering – starts restricting into a single level building if you start pushing that line down at some level.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: You could say a building height not to exceed 25 feet which would maybe require them to incorporate the second floor into the roof design. They have dormer windows and so there's ways of having two-story within a lower maximum height requirement. So maybe if that's something, say maximum height of 25 feet instead of 30 feet and just let the architect be creative in developing a two-story home that's 25 feet high. Incorporate dormers into the roof.

Ms. Amorin: Commissioner Guard.

Mr. Guard: I think the issue on height is only really relevant on 1, 2 and 3 to remain below that hill for – which ones remain below the hill, 5, 6 and 7?

Mr. Frampton: What do you mean below?

Mr. Guard: 75 feet.

Mr. Frampton: 4, 5, 6 and 7 have the maximum height. They can't exceed 75 feet, but when you work with their slope that they are working with right now, they are physically restrained from going – 30 feet is going to be a challenge, but we think by limiting that an architect could come up with a really beautiful design that is 30 feet in height put back into

the hill and still be much more attractive and in keeping with Makena than what's out on the point. There's ways to architecturally again, it has to go through our review committee. We're very much concerned about this. I don't think we would have gotten this far in the process, ...(inaudible)... especially through the Council process. We had site visits out there, we walked up and down. It was a challenging process. But again, they were satisfied in the end.

Ms. Amarin: Commissioners, I'm sorry to interrupt, we're going to lose a commissioner, Dr. Iaconetti will be leaving.

Mr. Guard: Okay. I guess 1, 2 and 3 is the ones that Commissioner Hiranaga's referencing that if those are 30 feet high and say they build 5,000 feet on each floor that could be a big home. That would be some, I think that would be significant massing so there's no way for us to guarantee that's not going to happen.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: Well actually it's for Public Works. This goes back to street lights. Because the project is zoned R-3, so you're supposed to adhere to urban standards for roadway improvements. By eliminating street lights, is the County going to be exposed to a lawsuit if someone coming out of Kihei Landing is struck by someone coming down Makena Road and they could say, well I wouldn't have hit the guy if there had been street lights on this road. I'm sure the Council must of asked the opinion of Public Works when they put that condition in.

Ms. Amarin: Mike.

Mr. Miyamoto: Madam Chair. The County Code actually says that the community plan will override what's required by typically by our design standards. So in this area it's rural.

Mr. Hiranaga: No it's not, single family.

Mr. Miyamoto: No, but the community plan says it will be rural in nature in front of Keawalai Church. It has that specific language in the community plan for Makena-Keoneo'io Road.

Mr. Frampton: Shall all be preserved in rural nature.

Mr. Miyamoto: The church is about 400, 500 yards away.

Mr. Frampton: It says the entire length of Old Makena-Keoneo'io Road.

Mr. Miyamoto: The nature will be the same rural character.

Mr. Hiranaga: So that indemnifies the County in case someone sues them for lack of street lights?

Mr. Miyamoto: With regards to the landing, the landing if you saw in the photos is gated. So it's closed at night. So there shouldn't be anyone in that area at night.

Mr. Hiranaga: I think they lock the gate at 7:00 p.m.

Mr. Miyamoto: It's still at night. At dusk, whenever the sun goes down, they close it.

Mr. Hiranaga: The sun goes down before 6:00 p.m. So I'm just wondering when you're removing this requirement which is a safety requirement is the County being exposed to litigation if there is an accident?

Mr. Miyamoto: No. I don't think that we'll be exposed. It's something that the Council took into account when they made this decision.

Mr. Hiranaga: Okay, I just wanted to ask the question.

Ms. Amarin: Okay, any more discussion or any more questions to the applicant? Seeing none, Robyn. Before – Do we have any individual in the audience that wishes to speak on this agenda item? Please step forward and state your name.

Mr. Jimmy Conif: My name is Jimmy. I live in Kihei. I use the area not every day but a couple a times, you know, a month, and I have other friends that use the area too. We use the showers and the restrooms and mainly we're a little south of that area and our concern is, I have – my friends are Hawaiians or locals, that picture right there with those – all this is misrepresented, to me it is with those cars in there. People unload, it's like you waited till someone was there, but up over that hill is where we usually stay. It's not being televised but I'll say it, we do camp out. It says no camping, but it's like Hawaiian gathering. I'm not Hawaiian, but I'm invited to be there. And they tell me stories about their families that owned the property up there and how they were taxed out. It's sad. And how some of it now is State property they'll never build. The believe that no building would be done along the road at all. Like I think it was Lots 4, 5 and 6. They tell me stories about their, when they were kids, when their grandfathers showed them how to fish and stuff like that and they can't go in these places anymore because one will say it's my grandfather's house, but it's not there, what remains is some kind of World War II bunker but there's a house around it. I don't know if I can explain. It gets emotional. I bring my grandson down there. He's six. He's not Hawaiian but he is Polynesian and I don't want to be some day telling him or him telling his grandchildren that we can't come here any more. So the fear or concern is, is that once this goes through, the other companies, whatever, Makena Resort or I forget the man's name, Seibu or something like that and the other people will

still start – the door will be open and then they'll start building all the way down the road. And then we'll become gated out or what they call them those rail fences, right there where the, I guess that black truck you can barely see it, and that white van there is no gate there but you know, that's going to go up too. It'll be like you said, ...(inaudible)... it won't be comfortable to come any more. Thanks for listening to me. That's my concern.

And oh, excuse me, I got this – I live in Kihei and across the street there's a couple that used to be on the planning commission. I know their first names but not their last name, but they said, get something in writing. Have those guys write down something. So I all did was write down, I have two pages, I wrote at the top, I am opposed to building or any changes to the natural conditions along Makena Road at Makena Landing area. I have it all on one side. I got these in about a day and a half and I didn't go knocking on doors. I just put a clipboard on my hood of my truck at Makena Landing, Kihei Cove Park and a canoe club where I'm a volunteer which is the south part of Kalama Park.

Ms. Amarin: Your three minutes is up. Do you want conclude in 30 second? Can I have your name again sir?

Mr. Conif: Jimmy. Jimmy, Conif is my last name.

Ms. Amarin: Conner?

Mr. Conif: Conif. I put my name second on here.

Ms. Amarin: Thank you very much. Do we have any questions for the testifier? Seeing none, any other individual in the audience that wishes to speak on this agenda item? Seeing none, public testimony is closed. Robyn.

Ms. Loudermilk presented the Recommendation.

Ms. Amarin: Commissioners you have any other follow up questions? If not, do we have a motion.

Mr. Guard: Move to approve.

Ms. Amarin: Do we have a second?

Mr. Hedani: Clarification.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: I'm sorry, somebody made a motion?

Ms. Amarin: Yes we have a motion on the floor by Commissioner Guard.

Mr. Hedani: Okay, you needed a second?

Ms. Amarin: Yes.

Mr. Hedani: I'll second for the sake of discussion.

Ms. Amarin: Okay, we have a second by Commissioner Hedani. Discussion?
Commissioner Hedani.

Mr. Hedani: What was the clarification on the 30 feet versus 75 feet?

Ms. Loudermilk: The definition section does not have height, specific height requirements when it comes to stories.

Mr. Hedani: Was there an amendment.

Ms. Loudermilk: No.

Mr. Hedani: So it's as you have it here?

Ms. Loudermilk: As I have it here the 30 feet is a maximum height allowed in the R-3 zoning district and in the R-3 zoning district they do indicate that you can go up to two stories within the 30 feet. And just the clarification has to do with if you look in the definitions, a story can be any height.

Mr. Hedani: Okay, so the recommendation from staff is 75 feet?

Ms. Loudermilk: Let me clarify the recommendations. For Lots 1, 2 and 3, it's the height, maximum height is 30 feet above existing grades. And that for No. 14, that the building height is not to exceed the 75 feet above mean sea level. So that's where, excuse me, 4, 5, 6.

Mr. Hedani: So 7 is not included?

Mr. Frampton: 4, 5, 6, 7 and those also can't go above 30 feet. So when you add in that maximum ...(inaudible)...

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: On Condition 13, should it not read, exceed 30 feet above existing or finished grade whichever is lower?

Ms. Loudermilk: No, because at this point in time there's a bill going through Council that may redefine what the definition of grade is, existing grade and I wanted to provide us the flexibility. That bill emerged from the grading that occurred in the Maui Lani Project District and there was a –

Mr. Hiranaga: No, but if they excavated 10 feet on building 1, 2 and 3 then they could 40 feet?

Mr. Frampton: No.

Ms. Loudermilk: No.

Mr. Hiranaga: Well, it says, maximum building height not to exceed 30 feet above.

Ms. Loudermilk: Not to exceed.

Mr. Hiranaga: 30 feet above existing grade. If you excavate 10 feet.

Ms. Loudermilk: That's not existing grade.

Mr. Hedani: That's finished grade.

Mr. Hiranaga: 30 feet above existing grade. If you go down 10 feet you can add 10 feet more to your building.

Ms. Loudermilk: No, that's finished grade.

Mr. Frampton: No, that would be the new finished grade. We're trying to minimize the height of the buildings.

Mr. Hiranaga: You're not addressing finished grade. That's why I'm saying shouldn't you include. You should include.

Mr. Frampton: The finished grade just to let you know is on the site plan right now. We included topographic lines so that our goal was to restrict them from going any higher. So by saying the finished grade as shown on the plans, if they went down 10 feet that's their loss, then they could only have a 20 foot building from the existing grade today.

Mr. Hiranaga: I know what your intent is but I don't think the wording of this condition is –

Ms. Loudermilk: Okay, whichever is lower.

Mr. Frampton: That's fine if you want to add that in.

Mr. Hiranaga: I know what you're trying to do.

Ms. Loudermilk: Existing and finished grade whichever is lower, that would be fine.

Ms. Amarin: Any more discussion Commissioners? Commissioner Pawsat.

Ms. Pawsat: So this goes into the file, yeah, this petition? This petition goes into the file.

Ms. Loudermilk: Yes.

Ms. Amarin: Yes.

Ms. Pawsat: This raising the good point of how well informed the public is about issues going on here at the Maui Planning Commission and their involvement in actively participating because if this guy got these many signatures in one day sitting in a parking lot putting it there, you wonder did someone actually made an effort, you know, and the community needs to make an effort too, and he did, you know. How many more signatures they would have collected if he had gone more than one day. And then also how many signatures does it require to change anyone's mind, that's just in general.

Ms. Amarin: And just my own comments. You know, I live in the area for 34 years and I go down to the church on occasion and whenever I pass that area I do see keiki. You know, I see young children with their families and they utilize that special place. And still, you know, the picnic tables I think it would just give a little boost to the families who do appreciate and want to be and through this petition there's a lot of people who do go there. Thank you. Commissioner Guard.

Mr. Guard: Yeah, it's a great project and proud to see it go through, but I just hope the intent that you guys have that you're proud of the buildings that actually go up later. So I think that's part of what Commissioner Hiranaga's fear is as well that contractors and owners once they try to interpret themselves different buildings get built from the overall development that you have in your mind as well and that's I think it's a valid fear for all of us that you get different people's attorneys involved trying to interpret what Polynesian or plantation is without anything concrete. But the affordable housing is a huge plus compared to other projects in the area that we've seen so I think a lot of these guys can hopefully use this as a model moving forward on drainage, affordable housing etc. Hopefully clean that beach up. Thank you.

Ms. Amarin: Commissioner Hiranaga.

Mr. Hiranaga: One last comment. I hope the applicant would consider my suggestion previously about maybe putting some street lights within the private property of the park. So it wouldn't necessarily have to meet County Code as far as height. Could be lower, but I think lighting that entry I think is a good thing because it does get dark in the winter and people coming out, you never know. I mean, I know I live in Spreckelsville and people say rural atmosphere, no street lights but then they complain about street crime, and you know, well lets put some lights in, no, we want the rural atmosphere. Been there.

Ms. Amarin: Any more comments?

It was moved by Mr. Guard, seconded by Mr. Hedani, then

**VOTED: To Accept the Recommendation of Approval of the Special Management Area Use Permit.
(Assenting - J. Guard, W. Hedani, K. Hiranaga, J. Pawsat, J. Amarin)
(Excused - B. U'u, J. Starr, W. Iaconetti)**

Ms. Amarin: The Chair votes in favor, the motion carries.

Ms. Loudermilk: Thank you.

Ms. Amarin: Director.

Mr. Hiranaga: I suggest you defer the remaining items because we're going to lose quorum.

Ms. Amarin: Okay, we're going to have to defer the rest of the agenda, we're losing quorum. At this point meeting stands adjourned.

F. MINUTES OF THE APRIL 10, 2007, MAY 8, 2007 and MAY 22, 2007 MEETINGS

G. DIRECTOR'S REPORT

- 1. Planning Commission Projects/Issues**
- 2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the June 12, 2007 meeting.**
- 3. EA/EIS Report**
- 4. SMA Minor Permit Report**
- 5. SMA Exemptions Report**

The Item F, Minutes and Item G, Director's Report was deferred due to a loss of quorum.

H. NEXT REGULAR MEETING DATE: July 10, 2007

I. ADJOURNMENT

The meeting was adjourned at 6:37 p.m.

Respectfully submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Johanna Amarin, Chairperson
Wayne Hedani, Vice Chairperson
Kent Hiranaga
John Guard
William Iaconetti (excused at 6:20 p.m.)
Joan Pawsat

Excused

Bruce U'u
Jonathan Starr

Others

Jeff Hunt, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works and Environmental Management