

**MAUI PLANNING COMMISSION  
SPECIAL MEETING  
APRIL 16, 2007**

**A. CALL TO ORDER**

The special meeting of the Maui Planning Commission was called to order by Chairperson Johanna Amarin at 6:01 p.m., Monday, April 16, 2007, in the Lahaina Civic Center Meeting Hall, 1840 Honoapiilani Highway, Lahaina, Maui 96761

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

Ms. Amarin: At this time I will open up the floor for public testimony on any agenda item we have here. Do we have anyone on the floor who wishes to come up and speak? Okay, I do have a list. First person on my list is Wayne Nishiki. Mr. Nishiki before you begin there is a three-minute time limit on the testimony.

The following people testified at the beginning of the meeting:

- Mr. Wayne Nishiki - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Mr. Michael Spath - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Mr. William Kennison - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Mr. Clifford Naeole - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Ms. Tamara Paltin - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Mr. Alan Akana - Item B-1, W2005 Kapalua/Gengate Hotel Realty LLC, Phase 2 Project District Approval and a Special Management Area Use Permit
- Mr. Alfred Vermey - spoke on open space. (his testimony follows list of testifiers)
- Mr. Sean Reed - spoke on preservation of open space (his testimony follows list of testifiers)
- Ms. Ellie Cochran - spoke on Kapalua Trails (her testimony follows list of testifiers)
- Mr. Howard Gapin - spoke on infrastructure concerns in West Maui (his testimony follows list of testifiers)
- Mr. Fred Betler - Item B-2, Maui Land and Pineapple Company, Kapalua Central Resort Project, Special Management Area Use Permit and a Phase 2 Project District Approval
- Ms. Janice King - Item B-2, Maui Land and Pineapple Company, Kapalua Central Resort Project, Special Management Area Use Permit and a Phase 2 Project District Approval

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

Mr. Alfred Vermey: Thank you Planning Committee for having me. My name's Alfred Vermey. I'm just here on behalf of the Save Honolua Coalition as well as myself. I'm a real good friend of Al's. I'd just like to say, please recognize open space on Maui. We don't have any anymore. If you look in the area where this special management permit is located, lets look at the open space for local people in this area and I'll tell you right now there is not much. Maybe 10 parking spots at Slaughter House and a couple of handicaps spots. Handicap spots at Slaughter House there's 80 flights of stairs there. No offense to anybody who's handicapped but isn't that kind of odd? There's no facilities there for bathrooms or anything like that. Basically the bottom line is we need to have more open space for local folks. Is there have been any address to more parking spots in this area?

Kapalua Bay Hotel in their renovation have they planned to make more parking spots for the folks that use the beach that are local? Okay, all we have is a parking lot of maybe 25 spots and you can go there every day and the cars peel around, all the way around Napili Kai there's no access. The local folks are being shut out and it's all over greed and time shares.

I'm sorry that Maui Land and Pine fell behind the ball and didn't turn their stuff into time shares too quick. Okay, maybe they're trying to catch up right now on what they lost out on. But the bottom line is time shares don't work on Maui because over time we're going to see the recoil of this. It's going to come back, it's going to bite us. Already the restaurant industry is suffering. Already plenty of other long-time working folks, both hotels are closing mind you at the same time with no consideration towards those employees. Yes, I understand that they're going to try to take care and there'll be a job for you later, but they close two hotels at the same time. This is a large employer on West Maui. You know, where's the care for the local folks over here? I'd like you to listen to local folks for once, you know. We see what's going on over here.

There's traffic everywhere. Our kids are skateboarding in the streets they have no where to go. There's nothing for the kids to do. You can't take your kid to Kapalua Bay. You got to park a half-mile just to get there. That's all I got to say. Thank you.

Ms. Amarin: Thank you very much Mr. Vermey. That ends my list. Do we have any other individual in the audience that wishes to come up and do public testimony? Please approach. Please state your name.

Mr. Sean Reed: Aloha, thank you for allowing me to speak. My name is Sean Reed. I'm here supporting the Save Honolua Coalition in their efforts to preserve and protect Honolua and the adjacent areas which includes not only the Lipoa Point Honolua area, it also includes – it's connected to West Maui. And correct me if I'm wrong, but the Ahupua'a concept is from the top to the bottom. Whatever happens up here affects down here. Is that correct? Clifford, correct? Okay.

I'm looking at these maps here and I'm really concerned about the loss of our coastal open space in West Maui, Kekaa, tragedy. The sewage treatment plant across the street there gets worse everyday. And all those units that are going to go in over there where is that waste going. That's all part of this. All of this Honolua, Kapalua Central Resort plan, I look at the maps and I look at their open space OS areas on here, I'm really concerned that open space is considered golf course. A golf course may be open space but it's a profit generating, revenue generating thing. It's not a park for the people. We have enough golf courses already. They've already closed one, they want to do another one in Lipoa Point.

The reason I'm speaking about that is because again, they are all connected. I look at all the units, the traffic assessment that they have in here talks about all the projects that they have. However, when they come out to the community they're only showing specific little projects here and there and here and there. They're segmenting. I don't believe that segmenting should be allowed in the community development process. I think that's being overlooked. Because all of this is going to have an impact in 20 years. Within 20 years a lot of these are going to be there, so I'm asking you to consider carefully the loss of our open spaces and try and help us preserve that for our community. We have a lot of resorts there now. Some of them are profiting, some of them aren't. We have a lot of golf courses. We have very little park space for our local community. We have very little beach access that's all being taken away and I look at this other area here, urban, right here. It shows a "C" on here for conservation, I don't see one "C" in this whole area. I would consider the area where they are finding bones a conservation area. Why is it designated urban? So I'm really confused about a lot of this planning process. I'm trying to get educated on it and I'm hoping that you can really help our community. That's about all I have to say.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Okay, first of all, I'd like to thank you for coming out and I do really appreciate hearing the people who are concerned with the shoreline and the open space on the west side coming out. I feel there may be a little bit of a misconception because there was a site inspection today pertaining to a coastal trail which is an attempt to, you know, provide access, but that item is not being heard today, neither is anything relating to Honolua or Slaughter House. We do have two items on the agenda, one is regarding some changes at the Ritz-Carlton Hotel which is primarily the lobby area and around the pool and that sort of stuff, not to really create a new hotel or anything, and second item is a development by Maui Land and Pine, the Kapalua Central Resort which is that area kind of inside. I just want to –

Mr. Reed: Is that the time share area where they're rebuilding the hotel and the homes adjacent?

Mr. Starr: No. There's actually no time share issue tonight. The Kapalua Hotel– I'm sorry,

the Ritz-Carlton Hotel is – part of it is being changed to condo ownership but not time share. There was a discussion of time share earlier but that is not at all related to anything happening tonight. But as far as the two issues, you know the lobby renovation and all that kind of stuff for the Ritz-Carlton and then the Maui Land and Pine with the Kapalua Central Resort project are you opposed to both of those or are you mainly with the second one?

Mr. Reed: Well, basically what I would say I'm opposed to is the loss of our open space and luxury homes being built for part time residents I guess would be the simplistic way to say it. I feel that there's – a lot of these homes that are proposed in this aren't going to be for local people because we can't even afford the so-called "affordable housing" if we're on a lottery or whatever. This plan is not for the local people and I think that the local people have lost enough now and I think that the tourists have enough. Just enough already is basically what I am saying. I apologize if I took up anybody's time not testifying on the correct thing, but to be honest with you, we don't get – to be able to go out and talk you folks very often because most of your meetings are held on the other side of the island. So when we have an opportunity to come talk to you guys, I'm sorry, but we're going to show up. That's just the way it is for me.

Mr. Starr: No, I just want to say, that's well said and thank you and please keep coming out.

Mr. Amorin: Mr. Reed. Commissioner Guard.

Mr. Guard: Just a note as well, kind of go along with what you just said. It is refreshing to see everyone come here and I know it's frustrating for everyone to say their piece and they feel that everything happens and normally it's on Tuesday mornings. So I know it's difficult for most people to come across and it is hard. I'm not from a resort area, so I definitely don't get to see your pain as much. I think Mr. Nishiki works in Kihei so he sees a bit more and on the West side this is kind of good to hear more people come out for their community.

Mr. Reed: I'm also a home borrower, not really a home owner yet. I still have some payments to make. The fact is is that when these kind of places go up around my neighborhood they jack my property taxes up and they're pretty high already. So again, just another little comment on that.

Ms. Amorin: Thank you for speaking out your concerns.

Mr. Reed: Okay, thank you.

Ms. Ellie Cochran: Good evening, my name's Ellie Cochran and just been hearing all the testimonies. I did hear about the site inspections and things and I thought the agenda I saw was it was going to carry over to this evening about the coastal trail being proposed, but

I guess not.

My comment is pretty much, this part of the island we live in is feeling a lot of pressure on developments right now. You know, it's like people have been saying, yes we rather see affordable housing, things like that. I understand that Kapalua want to renovate, add-on, whatever it is, you know, but overall it's going to create more traffic, more sewage, more usage of water, just more of everything. And you know, there's a lot of health and safety issues with that. You know, the more people, traffic, all of this, I mean coming from west side out in the Kapalua area where I do live in Honolua and traveling all through, you know, Honokowai, Kaanapali, Lahaina, Launiupoko, Ukumehame, when all that's built, I mean, just to get to the hospital on an emergency case is not going to happen. It's just to me, more – it's enough. You know, we just need to – what's the rush? You know, Maui Land and Pine has so much development already and they have so much more on the burner that why are we rushing to, you know, they got Kapalua Mauka, they want to do more time share. And I hope and I pray that that renovation for the Ritz is not going to infringe on what burial sites is left there because what's going on in Kapalua Bay is a tragedy in my eyes. It's really sad. And pretty much, you know, I just wanted to voice that. And the – it's just – I don't know, it's disheartening to see. And hopefully you know like Wayne mentioned that you folks listen and listen to the people that live here. Time is, you know, time will tell I guess and I appreciate everybody being here this evening and listening to all or comments. Our island is not looking too good in my eyes. Thanks.

Mr. Howard Gapin: Yes, my name is Howard Gapin and I live in the resort at Kapalua and we've been here 29 years and 25 years ago I went and talked to Chris Hart on the planning commission ...(inaudible)... what are we doing or you're going to be doing for the road structures, the sewage, the lighting, electricity, what's going to be happening. He said, oh we plan all that 10 years in advance. I've been here 29 years and I've seen very little go towards that – my questions as far as why don't they get some of these contractors that want to develop all this, why don't they get them to go in and put the roads in first, the sewage in first, the electrical in first and then they've got room for the traffic and all the other things we're facing. Any comments?

Ms. Amorin: Jonathan Starr.

Mr. Starr: Yeah, who do you think should pay for it?

Mr. Gapin: Well, it's a two-way street. Don't get the cart before the horse, okay, and that's what's been happening. Why don't – okay, if they're going to develop, why don't they put in a certain amount of money towards a structure that they need to take care of what they're building and have the electrical, the sewage, the highways in, going over here after 29 years that's a rough road going over to Kahului and the other side from this side. You take it in the morning, you take it in the afternoon and you've got a lot of delay going on.

If there should be an accident or a fire, I went over to pick up my friend, Dr. Williams on night, picked him up at 8:30 p.m., got the car to the restaurant there about 9:00 p.m., a little after 9:00 p.m. and I didn't get home till 2:00 in the morning. My other option was going around which the next time they had the fire over there that's what we did we went around. It took us two hours and forty minutes to get home from the other side.

So I'm saying, that somebody's got to grab the bull by the horns. These money people, nobody's been standing up. Like a lot of people asking me well, what's going on, why don't we do this? And I'm saying, why don't you show up and talk about it? And now this is happening and you people can be a great help by not just jumping in and going just because they're A & B and because they're Maui Land and Pine. And there's a gentleman here that's – on one meeting we attended, he said as far as the Ritz-Carlton goes, this gentleman says, well all the employees we're going to try and help the employees. The manager said, well, one wing has 242 rooms and we're cutting it down to a 166. Does that not say that somebody has to lose a job? I'd like to have some of your viewpoints on what's happening and why you're letting it happen.

Mr. Starr: I want to wrap it up, but just to let you know that right now there's no ordinance for impact fees for roads or for sewage for example when these projects get approved there's no mechanism to make them pay, you know, to bring the system up. So it's basically the existing residents who end up having to pay for it. So a good place to start with that would be at the County Council who would hopefully in a perfect world pass ordinance that would charge a fee to the developers to fix up the roads and fix up the sewage and on a state level build schools and all of that good stuff. Thank you.

Mr. Gapin: I appreciate what you're saying, by the same token I'm saying why let this come congested until there's a problem solve to take care of it before the buildings and the cars and the traffic gets here.

Mr. Starr: A lot of us agree with you. Thank you.

Mr. Gapin: ...(inaudible - changing of tape) what I say.

Ms. Amorin: Thank you very much and you're speaking about cutting back on the rooms but there's a whole lot of expansion to the project and if you would want to stay –

Mr. Gapin: Additional rooms are you saying?

Ms. Amorin: No, there's more expansion in other areas on the property.

Mr. Gapin: The swimming pool and the kids play room. Yep. Yep, I've heard all that at the other meetings.

Ms. Amarin: We appreciate your comments. Thank you very much.

Mr. Gapin : Is that it? Nothing? Thank you very much.

Ms. Amarin: We have anyone else? Please step forward.

Ms. Amarin: Thank you very much. Do we have any other individual who wants to come forward and speak? Seeing none, public testimony is now closed. Director Jeff Hunt.

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

- 1. W2005 KAPALUA/GENGATE HOTEL REALTY, LLC requesting a Phase 2 Project District Approval and a Special Management Area Use Permit for the Proposed Lobby and Common Area Improvements at the RITZ CARLTON KAPALUA, 1 Ritz-Carlton Drive, TMK: 4-2-004: 021, Kapalua, Lahaina, Island of Maui. The improvements to the hotel public areas include renovations to the porte cochere, lobby lounge, bar and sushi bar, expansion of hotel restaurant, spa facilities, Banyan Tree Restaurant, pavilion and storage area, new fitness center, gourmet market, luau and Environmental Education Center, resurfacing of pool deck and overall drainage and landscaping improvements. (SM1 2006/0039) (PH2 2006/0007) (A. Cua)**

Ms. Ann Cua: Good evening Madam Chair, Members of the Commission. I'd like to make a couple of comments before I turn the presentation over to the applicant. First, you're pretty familiar with the special management area permit process, but I do want to remind you and maybe this is more for the public, the Project District process has three phases. The first phase is basically the zoning of the property. The second phase is review of preliminary site plan and modifications to site plans. In this particular case for this application, its site plan approval and the law requires that the public hearing for the project district application be held in the affected community plan region and that's why we're here tonight. So I just want to make that clarification.

And how we want to handle tonight's presentation on both applications is we're going to have the applicant to do a power point presentation taking you through the facts of the project and then the department will come back up and take you through the analysis of the project and that way we hopefully will eliminate any redundancy and get us through all the information that you need to have before you this evening. So with that, I'd like to turn it over to the applicant to take you through the Ritz-Carlton proposed renovations. Mich Hirano from Munekiyo and Hiraga.

Mr. Mich Hirano: Thank you very much Ann, and good evening Chair Amorin and Commissioners. My name is Mich Hirano with Munekiyo and Hiraga. Our firm is assisting the applicant, W2005 Kapalua Gengate Hotel Realty and the Ritz-Carlton Kapalua with the SMA Use Permit as well as the Project District Phase 2 application.

We've prepared a power point representation for you this evening to provide details of the scope of the application and the co-presenters assisting in the power point presentation will be Scott Lee of SB Architects who you've met this afternoon at the site walk and as well, Javier Cano, who is the General Manager of the Ritz-Carlton Kapalua.

I think it's very appropriate when we speak of the Ritz-Carlton and present the project to you this evening to really speak about the Ritz-Carlton cultural legacy. As Clifford Naeole had mentioned, there was the Honokohua burial site that was discovered during the first phase of the hotel operations. And as a result of that, the Honokohua Burial Preservation Site was established on site and it also established a very rich environmental stewardship program and a very strong native Hawaiian cultural awareness program for the Ritz-Carlton. And I think those two things are really driving the heart of this particular application and it's interwoven throughout the development that will be presented to you today.

In terms of the project need, the hotel was opened in 1991-92, and because of the age of the hotel, upgrades are needed to keep up with the tourism market. Secondly, the tourism market is changing and there is a emphasis now on cultural tourism and as well, a family oriented cultural recreation. So the design elements of the hotel renovations reflect the native Hawaiian cultural motifs and historic plantation character.

As well, because of the emphasis on family and health lifestyles and the change in that, the improvements that are being made to the hotel are very family friendly and as well, geared to I think a younger hotel clientele and a family-oriented hotel clientele.

We'd just like to point out the sort of the general site that you saw this afternoon. And just to give you the orientation of the site, this is the hotel, this is Office Road on the right-hand side of the screen. This is Honoapiilani Highway. Access to the hotel is provided by a driveway off of Office Road. This area is the Honokohua Burial Preservation site and as you can see the proposed improvements will be set back well away from the cultural sensitivity of the burial site. This is the Ironwoods multi-family development that's the closest residential development. This area would be the Honolua Store. The commercial areas that have been developed at the Kapalua Resort are to the right of the hotel. This is the west wing, the lobby area and the east wing. This is the Village Tennis Center and these are the open space areas that are presently within the hotel property.

With that I'd like to just as well present and introduce Scott Lee of SB Architects who will be discussing the details of the project and Javier Cano will be speaking of some of the



socio economic benefits of the project.

Mr. Scott Lee: Thank you Mich. Madam Chair, Commissioners, good evening. Good to see you again. My name is Scott Lee, I'm with SB Architects and maybe just to back up a little bit before I take you through the various elements of the project. I certainly feel the passion in the room and appreciate all the comments that came before us and I just want to emphasize that a lot of those sentiments you know, we certainly grapple with as architects and planners and we can say on this project that a lot of them really do not come into play and I thank Commissioner Starr for trying to clarify some of the issues on this particular project.

This particular project is really not about more. It's really about better. It's about taking the existing facility and bringing it back to its original positioning on the island and positioning it within Maui County within the State of Hawaii, nationally and internationally as a five-star destination resort. It's not about building timeshares. It's not about building custom homes. It's not about taking away open space. It's simply about taking the existing facility and augmenting it in a way that makes it operate as full functioning five-star resort and so I wanted to make that point before we get into the details.

What we've prepared is a series of site plans and then some details about each one of the resort elements that we're going to improving. Generally speaking, the exterior of the project as it exists today is not going to be significantly altered. We are going to be taking certain portions of the project and pushing beyond the exterior skin of building, pushing beyond the roof lines of the building but for all intents and purposes we're staying within the general character of what is already there but we're doing it in a very respectful way and we're interweaving some of the cultural and heritage-based cues that ourselves, the landscape architect, the interior designer and the restaurant designers have developed with the assistance of Clifford such that we're developing a project that is very respectful of the community.

And it may make sense, I know it gets dark but if we can dim the lights, don't have to look at me, but looking at the images might be a little bit more clear. Is that okay?

About 50% of the project is made up of the guest rooms themselves. Now we're not here seeking approval for the guest rooms. The guest rooms themselves are exempt from the SMA and they were approved in December of 2006. The west wing of the property is made up of 297 guest rooms that are going to be renovated from an interior base. There's going to be no change to the exterior of the west wing of the hotel. The east wing of the hotel there's been mention in the public testimony that those 250 guest rooms are going to be converted to 166 condominium units. And now the square footage is not changing. So it would stand to reason that the amount of employees that it's going to take to run that facility albeit there's less rooms, they're bigger and so the amount of employees is probably

going to go up because we're going to be having an enhanced level of service. The number of employees really doesn't change despite the fact that the number of guest rooms is going down.

Ritz-Carlton will continue to operate all the condominium units, the condominium hotel units and the entire hotel facility. It's not abandoning the project and giving it up to a homeowner's association or some other entity. They're going to be operating it as they have done for many years. And once again, we're not seeking approval of this but we would be remiss in not mentioning to you that this is a big part of our Phase 1 renovations and so I'll point to that when we get to the site plan.

This is the general site plan of the project and what I can do is sort of take you from Office Road into the property and point to each one of the design elements that we're going to be emphasizing. The entry drive we're going to have it enhanced entry experience through the augmentation of the existing landscaping. We're not doing wholesale changes here we're simply supplementing the landscape. The porte cochere, the structure of that is going to remain the same as the guests enter the property along that ...(inaudible)... it is going to be enhanced through the introduction of a water body that guests that are going to be crossing over before they enter the hotel.

The central core of the facility at the entry level, the entire lobby is going to be renovated. There's going to be sushi bar and a lobby bar that are added to that location. The lobby itself is going to be pushed out about 20 feet closer to the view to both cover the terrace restaurant and also add to the deck space for the lobby.

And moving counterclockwise around the resort, this is the Aloha Pavilion, this is the east wing and back in this area here we're adding a – about 3,000 square feet to the spa and we're adding 3,000 square feet of additional fitness space in this location. We're connecting all of this up with a covered arbor or loggia or colonnade that connects the main facility of the hotel out to the Aloha Pavilion and then back to the porte cochere so guests and visitors of the hotel can travel this area under cover in inclement weather. We're also going to be connecting the back of the Anuenue Room kitchen to this facility so it can function a little bit more cleanly and we're also going to be adding a little bit of retail, some restrooms and a teen center back in this area.

I mentioned that the west wing is going to be renovated guest rooms and moving around this is what we call the inside of the "U." This is the existing pool. That pool was going to remain its same shape. It's going to be resurfaced so that some of the paving that have a lot of wear over the years will be replaced. This is going to be a new activity pool. There's going to be a children's pool and children's play area that's added. There is an environmental and cultural center that was formerly positioned in this location in the original application. We have since moved it further away from the cultural sensitivity area and

moved it to the end of the east wing and I'll show you that plan next.

The Banyan Tree Restaurant is going to remain the same as it is architecturally, but the interior of that is going to be completely changed and we're going to be adding a pool bar to that location. So by day that pool bar services the pool area and by night it services the Banyan Tree Restaurant.

This is the east wing that's going to be converted to condo hotel and hotel units. And then in this location we're going to be adding a luau facility that's completely enclosed. It seats about 150 people, about 6,000 square feet and it's directly connected to all the rest of the function space that exists on this portion of the hotel.

Back here is the loading dock and we're adding a central services wing that's going to really do two functions. One it's going to be screening some of the visual areas back in this loading dock and it's also going to service a distribution center for some of the goods and services that are going to be moved throughout the resort facility.

And coming back towards the lobby, in this location right now there's a courtyard that's relatively unused. There's a coffee cart there. We're going to enclose that and make that a gourmet deli grocery that will have a little bit of food and beverage, a little bit of retail combined in this area.

Now this next slide shows what of all of that that I just described is going to be built in Phase 1. Now we're seeking approval of all those things, but in the 2007, starting hopefully in July and completing in December we're going to do a portion of that. The things that we are not going to be building in Phase 1 are this connection back here to the Aloha Pavilion. We are not going to be doing the activity pool. We are not going to be doing the environmental and cultural center. We're not going to be doing the luau or the expansion to the loading dock nor are we going to be doing the gourmet market at this point. We feel the need to get it entitled, but it's all – the scope of that is too vast to be built in 2007 so we're seeking approval, we'll build the rest over the course of the life of that permit which I believe is five years.

Now in working closely with Clifford, both the architects, landscape architects and interior designers have sought inspiration from some cultural and environmental motifs. We borrowed from some of the richness of the Hawaiian culture. You'll see a series of patterns and materials and textures that are going to be woven into things like the carpets and wall coverings and the bedspreads. Now much of this doesn't come in under the purview of the planning commission but we feel that it's a big part of what we do and a big part of what Ritz-Carlton does to make sure that what we're designing is culturally and environmentally appropriate and I think addresses the discriminating needs of today's traveler that might be different from the traveler who is experiencing the hotel when it was built in the early

'90's.

Zooming in on one of the first parts of the project is the spa itself. This portion here that's in green is really where the spa now resides. This area in blue is the portion that we're going to be adding. All told, the spa will be 18 treatment rooms and about 12,000 square feet. We're going to locating the locker rooms back in this area and the treatment rooms in this area where they can enjoy the majority of the natural light. This is the inside of the "U." A lot of these rooms will have views of the ocean. They'll have outdoor treatment areas and it will be co-ed relaxation areas and two outdoor treatment pavilions. And what that may look like from the outside if you stood in the lobby and looked down to that portion of the hotel, the spa itself is in this location. You could see the little treatment rooms, outdoor gardens, treatment pavilions and co-ed relaxation area. And then above that, is the fitness area that sits on top of it and will also enjoy great views of the bay beyond.

This is a drawing that shows just that. This is the fitness area here. This is right now the exterior skin of the building or the promenade as you go from the lobby down to the west wing elevators. So all of this blue area is going to be added and this blue area really is the connector piece from this interior of the hotel out to the new pre-function area for the corner of the Aloha Pavilion. Going to be renovating this kitchen and the bathrooms for the Anuenue Room and this is where we're adding a little bit of retail and a little bit of teen center to fill in that area. And a sketch of what that area may look like, the Aloha Pavilion roof is here, the Anuenue roof is here, those are existing and this covered walk area, this colonnade or loggia beyond which you can see the glass of the teen center and the retail center is here. So in incimate weather you can walk from the hotel all the way around here and then ultimately out to the porte cochere to get back into your vehicle.

This is a photograph of the existing hotel lobby on the entry level and the Terrace Restaurant on the lower level. One of the operational inadequacies of the hotel is that the Terrace Restaurant is right now we get back to that slide, apologize for that, the Terrace Restaurant right now is covered with a canvas tarp, and so when the wind is blowing which is rather frequently, and when it's raining which is also rather frequently, this portion of the restaurant is really unusable. And so we're going to be taking these canvas awning down which really don't have anything to do with the architecture or some of the cultural or sort of indigenous materials we're talking about. So that's all going to go away. We're going to extend this lobby out so that it covers all of that. And the sketch of what that would look like is, this is now the Terrace Restaurant that is covered with a high ceiling inside that with glass looking out to the bay and then above that is the extension of the lobby.

Now on the left-hand side of the lobby here is the lobby bar with some covered outdoor space. On the right-hand side is the sushi bar with covered outdoor space and in the middle, is an extension of the outdoor lobby terrace. To look at that in section, right now the building really ends right here. This is where there's that canvas awning for the Terrace

Restaurant which will now be enclosed and on top of that is the extension of the lobby and you can see beyond the extension of the lobby roof forms which is really the roof of the sushi bar. And then to look at that area in plan, this is the Terrace Restaurant now. This is all going to be renovated on the interior and this blue area is the new construction of the actual conditioned and covered space that will be added.

And then going upstairs into the lobby, we're entering the lobby where we enter it now. We're coming across a water body into the lobby. All of this area is going to be renovated. The lobby bar is going to be located on the right-hand side, the sushi bar on the left-hand side. This is where we stood today for our little presentation and the blue area is all new and that's the roof of the Terrace Restaurant and the expanded terrace of the lobby, the lobby bar and the sushi restaurant.

This area is showing the courtyard that where the coffee cart exists now. This is going to be the gourmet restaurant and it's going to have a little bit of food and beverage, a little bit of retail and the outside of that is very much in keeping with the existing architecture. There are ahua columns that are holding up this roof pavilion and there's a sacred ahua tree that is growing very near that that is going to be preserved.

This is a quick diagram showing the loading dock. The road goes around this. This extension of the loading dock is going to be the central services wing that is going to be housing cold storage, receiving, purchasing, dry storage, and also masking some of the visual commotion that's going on in this loading dock that right now is rather exposed.

This is the luau area and this is the lowest level of the function space. They'll be entering the luau area here. This is the beginnings of the west wing. This is walking into a bar area, a buffet, and then about a 150 seats. There are views out to upcountry and views out to the bay and the stage in this location all completely enclosed.

And then lastly, the Banyan Tree Restaurant. This is really going to be renovated as an interior renovation only. Right now you're entering from the pool deck into the Banyan Tree Restaurant. We're going to close off that entrance and make that a private dining garden. And we're going to be bringing guests around this side, around the bar that will be serving as pool bar by day and then serving as the Banyan Tree Restaurant bar by night.

The environmental cultural center that's both a educational center as well as a cultural center is going to be probably the only building that is not in keeping with the rest of the architecture and we're doing that because we're trying to really blend this building into the topography. You really aren't going to see it at all from the pool deck. The east wing really ends here, the bay is this way, and as you're walking back up from the beach you're going to see this building tucked into the landscape. It's going to have an environmental viewing area here, cultural center in the back, toilets and some service area. We've got some

landscape that is a medicinal gardens. There's going to be a lot of teaching and tours in this facility. And the roof of this facility is really going to be a viewing platform with commanding views of the bay and that's going to be fringed by indigenous planting that will part of the educational tour. There will be skylights that is borrowing light and illuminating the cultural center below. And then a quick sketch of what that would look like from the beach. It's really tucked into the hillside as I mentioned. This is the east wing beyond. This is skylight letting light down in and this is the roof terrace.

The parking lot as it exists now is going to be restriped so that we can maximize the number of parking spaces. We're going to locating a temporary building, a modular building here as a temporary sales location and a few sketches of what that may look like very much in keeping with the plantation style. Now again, this is a temporary facility, but we wanted to get this in as part of the application.

And then just a few notes about the landscape and the extent of change that we're proposing to the landscape. We're really breaking the landscaping into three distinctly different categories and they're color-coded here on this plan. The lightest of these colors, this very light green is we're really not doing anything to the landscape. That landscaping is mature, it's healthy and we're really not going to be doing much to augment that.

The darker green is where we're going to be supplementing the landscape to really enhance this arrival sequence. Where we're going to be moving a little bit away from the manicured landscaping and something that's a little bit more natural, more wild. Over the course of time the mature trees, some of the larger structural trees have done very, very well, but they've grown such that their canopies is up at about 40 or 50 feet. The groundcover is also healthy, but we're going to be supplementing that mid plane to fill that back end where that has become overgrown.

And I think where there's the most significant design is in that lighter green area which is really around the pool deck and around the east and west wing and the reason why that's significant is because we're going to be addressing the serious drainage problems that exist on the site right now. Every time it rains, this property floods. It's that simple. And so we're going to be doing a lot of manipulation of the ground plane here, a lot of grading to try to get the storm water in an immediate and efficient way into the storm water management system.

And in doing so, we're going to be displacing a lot of the landscape. And so the larger trees are going to be kept, -- be taken away and replaced and then they're going to be augmented with groundcover and mid plane landscape. And so that's what's going to be happening really around this core and also down in this location which is tennis pavilion that floods last because the water is moving in this direction and we're going to changing the grading in this location so that the water is not moving through that building.

Just a couple comments about the drainage. To really simplify the issues, right now the storm water is starting high up on the site. It's making its way through the parking lot into catch basins that really have no filtration system in them or it's moving through some of the back of house loading dock areas, again, with no filtration and then it's actually moving through the hotel. I mean, not figuratively but literally. It's actually coming through the guest corridors and to the point where Javier and the operational staff has got to sandbag some of the doors so that the water does not pass through the building. So that's how it's existing now and it's really an untenable situation.

The way it's going to work when we're done is that starting at the top of the site, there's going to be a filtration system added to all the catch basins in the parking lot and that's significant because some of petroleum runoff, the rubber from your tires and the exhaust and all of those things are going to be filtered before it enters the storm management system. The back of the house areas again, all of those catch basins are going to be filtered and then with the introduction of some retaining walls and some new catch basins and some regrading the water is not going to be moving through the building. It's going to be moving immediately into the storm management system. And so it's going to be an expensive endeavor. It's one that's necessary and it's one that our civil engineers and landscape architects have worked very hard to come up with a solution that works.

So just to rattle off these bullet points. It's a better storm water management to direct runoff into existing storm water management system. We're going to improve the storm water quality released from the site by installing inlet filters on the existing graded drain inlets. The proposed improvements are designed to handle the 50-year storm requirements of the County of Maui, install pollution control drain manholes at service driveways to contain possible spills and prevent them from entering the drainage plan. Now we have the civil engineer and landscape architect here and they can answer any more detailed questions about that system.

Some of the conservation measures that we're working on with the team. We're going to be maximizing the building's reuse rather than tearing the buildings down and building new buildings, we think the infrastructure here is sound. We can talk about some of the sinking issues although that's not really the right term. It's a settlement issue and it has been solved. But we're going to maximize the building reuse. We're going to reduce the site disturbance, we're going to make modifications to the venting system for the mechanical, electrical and plumbing to increase efficiencies. We're going to maximize daylight and views into the majority of the spaces. We're going to introduce a control ability of the systems in the rooms and operable windows for natural ventilation. We're going to upgrade the irrigation system and new landscape areas to be more efficient with water use. Non potable water is going to be used for irrigation. We're going to improve storm water management to reduce the site runoff which we talked about earlier and we're going to improve storm water runoff quality as it exits the system.

Quick notes about traffic. We have had a traffic assessment done. The overall net peak trip generations will be reduced and they'll be reduced in the following two categories. The morning peak hours will be reduced by 43 trips and the afternoon or evening peak hours are going to be reduced by 40 trips. The levels of service at study intersections will remain the same or improve as a result of the hotel renovation program. The construction traffic management plan will also be followed during construction.

I'm going to turn it over Javier who's going to talk a little bit about the employee outreach program that Ritz-Carlton is doing and talk a little bit about some of the community benefits and then we'll open it up to questions.

Mr. Javier Cano: Madam Chair, Commissioners, good evening. My name is Javier Cano, I'm the General Manager of the Ritz-Carlton Kapalua and actually I have a couple of slides. I can just talk to a couple of points that are up there. I'm here this evening just to speak of a couple different areas and the first one is the plans that we have to take care of our staff.

As was mentioned a little bit earlier, we do have extensive plans that we've been putting in place ever since we began and notified everyone of the upcoming renovations. We've been working with our partners at the ILWU to try to do everything we possibly can to minimize the impact. We realize that being closed for six months is significant not only to the staff that we have at the hotel but also a large number of businesses that depend on the generation of revenue from our hotel. For employees what we've done is we began with a communications plan where we have been talking to and been sharing information with all of the staff as much as humanly possible over a series of total hotel meetings. We have another one planned in another week or so and we'll be holding them monthly until we do close the hotel. A lot of those are question and answer sessions where I answer any and every question I possibly can regarding the renovation and what's upcoming. I think one of the critical points that was also mentioned earlier is that we plan to pay everybody's benefits during the time of closure. This will give people more opportunities and choices.

First of all, if people want to take some time off and they can do that then we're going to continue to pay their benefits while they're off. If that's not an option and they have to continue working, we have set up a opportunity for other employers on Maui to come to our hotel and offer jobs to our staff. It is going to be easier for other employers because we would continue to pay the benefits for our staff during that whole time. We want everybody back. Anybody who is with us on staff on July 2<sup>nd</sup> when we close has their job back when we reopen. We have talked to and guaranteed everybody seniority when they return. It is important and we have made this mentioned to all of our employees, we want everybody back. That's critical to our hotel. We spent a lot of time and effort in training and the staff has done so as well. We are working on construction program with the contractor to insure that if people can be hired in positions that are not trade positions but in other positions that those are available.



Also, we are looking at other opportunities that exist in other hotels, other Ritz-Carlton Hotels where people may be able to go and work at other hotels that may have a need as well as our parent company, Marriott International and hotels of theirs that may have an opportunity for our staff to be able to go with that and work there.

We have over, and I have the responsibility for over 700 employees and so it is very important that we do everything we can to make sure that we take care of these – I realize it's a big responsibility for a staff that large, but we want to do everything we can and everything possible to insure that we also get your approval to be able to get everybody back to work as soon as possible as well.

I wish to just make a couple of comments on some of the community efforts that the hotel has been doing and is doing recently. Our hotel has a long history of community involvement. We've been around nearly 15 years and we are involved in a lot of different organizations and have been for a long time. You see the name in sponsoring anywhere from little league to soccer teams, basketball teams, paddling teams, we sponsor a lot of events. We support an enormous amount of charities with in-kind donations and events that we hold at the hotel.

Most recently with our purchase by our new owners they've been very active and I just want to point out a couple of things that they've been working on certainly donations to Maui Memorial, also the Coastal Land Trust and I've been working with a number of colleagues on this side with Kamehameha III Elementary School in trying to assist their facilities needs they have of which they have quite a few in trying to help them with areas of need. Also, with – we're supporting the West Maui Medical initiative as it is very, very important. Liaison with Maui Community College.

Clifford spoke a little bit earlier about some of the archaeological efforts that we're doing. We're setting up an apprentice program during this project and we hope that this will be one which will be a model for the state. We recognize and take very seriously our location and the stewardship that we hold of where we're at in Kapalua.

As we close, we're also realizing that we're going to have a number of items that may be of use to some of Maui's nonprofit organizations. So we will be having some direct donations of some of our items that will be coming out of service. In addition to that we're going to be proceeds of some of the public liquidation of those items will also be going to other charities as well. So these are just a few of the items that we are doing just as a result of most recently our purchase by our new owner. Thank you very much.

Ms. Amorin: Commissioner U'u.

Mr. U'u: Couple questions, well actually one mainly, back to the benefits. The benefits

being is it health and welfare insurance?

Mr. Cano: Yes, it's covering everybody's insurance. So anybody with health insurance, life insurance, etc., whatever they are covered with now in the hotel we'll continue to pay their premiums on.

Mr. U'u: How about their retirement? No retirement?

Mr. Cano: Yeah, anything that we have right now that they have listed, that's being taken out of the check and any kind of insurance we will continue to pay into that.

Mr. U'u: Okay. Will it in any way affect their unemployment if they were to draw unemployment?

Mr. Cano: Will it affect?

Mr. U'u: Being unemployed, if they were to get an unemployment check, would it affect it in any way?

Mr. Cano: Their benefits will continue to be paid even if they are on unemployment.

Mr. U'u: No, I'm saying will the pay continue? Will they be paid out by unemployment being they receiving the benefits?

Mr. Cano: They can do that. Yes, we have had – among the other things we've set up is that we have brought the unemployment team to our hotel and had them there for an entire day so our staff could ask all the questions they want about unemployment benefits and that worked out to be very, very helpful.

Mr. U'u: Also the increase of, I guess, square footage in your two phases, would it be adding to your employees? Will you guys be hiring more people?

Mr. Cano: Yes, thank you very much for bringing that up Commissioner. That's a very, very important point. I think that we've talked a little bit about reducing rooms, but the reality as Scott mentioned, our square footage doesn't change so we still have to clean all that amount of space. And in fact, when you notice that the project brought on additional expansion of our food and beverage resources, we actually believe that at the end of this we plan to hire more people. So we will, in effect, end up with more employees rather than less as a result of this.

Ms. Amorin: Commissioner Iaconetti.

Mr. Iaconetti: The ownership of the hotel is Genoc is it?

Mr. Cano: The company is Gencom is our owner, but the company, official name is listed as Gengate, etc., etc.

Mr. Iaconetti: And who is Gengate?

Mr. Cano: The company is a privately held company based out of Miami. They own a number of other Ritz-Carlton Hotels in Colorado. They are doing one in Rancho Mirage, one in Key Biscayne, Philadelphia and have a couple more on the books as well.

Mr. Iaconetti: It's a U. S. company then?

Mr. Cano: Yes it is.

Mr. Iaconetti: Is the stock open to?

Mr. Cano: It's not a publicly traded company.

Mr. Iaconetti: Thank you. I have another question.

Ms. Amorin: Go ahead.

Mr. Iaconetti: Of the architect. As a registered architect, you're an engineer as well, are you satisfied with the problem that they had in the past with the, you called it leveling, everyone else called it sinking. Are you satisfied that that is totally taken care of?

Mr. Lee: Yeah, that's a good question. I'm a registered architect, I'm not a structural engineer. Martin and Chock is the structural engineer that we've employed to do the renovation. They were actually the original structural engineers for the project. They're the ones who dealt with the remediation of the settlement and we are satisfied that the work that they did prior to us getting involved in the project has taken care of that issue. It has not come up in any of the scoping that we've done for this renovation. So we're not attending to or addressing any further settlement issues.

Mr. Iaconetti: May I ...(inaudible - changing of tape)... part of the development is altering some of the land that has not been altered before. Are you actually moving land here? Are we going to be concerned with the possibility of some skeletal remains in the area that you're extending?

Mr. Lee: The grading that we're doing was primarily within the "U" or within the portion of the site that has already been disturbed. We're not disturbing any site, any portion of the

site that hasn't already been disturbed. And the fact that's why we've moved the environmental and cultural center further away from the sensitive zone and up towards the area of the hotel that has already been disturbed.

Mr. Iaconetti: That includes the luau area, it includes the child pool and all that?

Mr. Lee: Yeah, all those areas have been extensively graded in the past.

Mr. Iaconetti: And one last question for the benefit of our Hawaiian on the commission, the luau is going to be enclosed?

Mr. Lee: It is enclosed and there's operable, two operable walls. One wall can be opened such it looks upcountry, the other wall can be opened such that it looks down towards the bay. But the reason it's closed is because of the weather issues that are so frequent there in that portion of the island. So rather than have an open-air luau area that they have here at Kaanapali or down in Wailea, we've chosen to actually enclose that.

Mr. Iaconetti: We've had luaus out in this area for years and we haven't had the problems with inclement weather, but I can understand your point. Thank you.

Ms. Amarin: I have a question. At the site visit we were able to see the property and it was brought to our attention an area that was prone to some flooding and then we spoke about the drainage improvements that's going to take place. Being that this hotel was built in 1991, so is it something to look forward to every 15 years you're going to try to get a better system in there. And what percentage of improvement will take place?

Mr. Lee: It's not something that when we solve the grading and drainage problems during this renovation it's not something that will have to be resolved 15 years from now. The fact of the matter is when it was done originally some of the grading and drainage was not done correctly and so there have been problems that were designed into the existing hotel that the owner has been struggling with for the last 15 years and so we intend to solve those.

Ms. Amarin: So when you're talking about improvement, can you give me a percentage improvement from what was, what will be?

Mr. Lee: Mike, do you want to talk a little bit about that? Mike Silva is the civil engineer and he's dealing with the specifics of that system and he might be more qualified to talk about that particular question.

Mr. Mike Silva: So I don't know if there could be a percentage of improvement but we can say that we did the calculations and it is going to be based on or designed on the 50-year storm for this specific area. So there's not really a percentage because we didn't go

through and, you know, exactly see where the existing – a lot of it had to do with grading so it wasn't actually on the system itself. What we're going to be proposing is leveling off some areas so we could have an inlet and the water can collect in it rather than just flying by an inlet. So there's not really a percentage for a grading.

Ms. Amorin: I guess my concern was keeping it out of the ocean and getting it into the drainage basins and percolating on the ground area rather than going into the ocean.

Mr. Silva: Yeah, so there is, there's no increase in water flow that's going to be going into the ocean from the development. The – I guess the slides that Scott was showing you could see some, you know, additions, looks like some additions but there are some negatives, the pool bar, the existing pool bar is going to be going away. So the number of storm water entering into the system now is not going to be any different from the existing. So it would just be collected into the system and held faster rather than having it flow on the surface and eroding the beach and flowing through the hotel. So it would just be collected in the system faster.

Ms. Amorin: Right but then eventually it would have gone into the ocean, right?

Mr. Silva: Yes.

Ms. Amorin: The surface water?

Mr. Silva: Yes.

Ms. Amorin: Okay, so the improvement is to keep it out of the ocean. Okay, thank you. Commissioners? Commissioner Starr.

Mr. Starr: Thank you Madam Chair. Mike, while you're up here, what was the predevelopment runoff and what is the current runoff and what will be the runoff after this project?

Mr. Silva: The current runoff calculations are based on hard surface and landscape surface and like I said, there's some pluses and minuses in this project. The existing numbers I believe are a 109 cfs, cubic feet per second and proposed is 110. So it's less than 1%. So we're saying that's negligible.

Mr. Starr: So in other words, this project will increase the runoff?

Mr. Silva: We're saying it's less than 1% so there is no increase.

Mr. Starr: I certainly have a significant problem with that but what was the predevelopment

runoff?

Mr. Silva: Predevelopment before the hotel was constructed in '90 – is that the question?

Mr. Starr: Yeah, exactly when it was just, you know, undeveloped land.

Mr. Silva: I don't have those numbers in front of me.

Mr. Starr: How could you not have that? I mean, I understand that that's the regulations deal very specifically with predevelopment versus post development runoff calculations.

Mr. Silva: I believe those calculations are for the development at hand and this hotel was previously approved and permitted with that drainage system. So to go back and recalculate it from what's already out there I don't know if –

Mr. Starr: I'm very surprised you would come before this body without having the predevelopment runoff calculations before you. This is something we always ask.

Mr. Hirano: Commissioner Starr, in this particular case the predevelopment runoff is the existing condition which is the built out hotel and then the calculations that Mike Silva just mentioned were the proposed improvements in terms of the, you know, extension of the footprint into areas creating more impervious surfaces. So it wasn't going back to the undeveloped state of the property but basically what is there right now. And then the proposed improvement and then how that extra runoff, storm water runoff was calculated based on the expansion of the common areas that we saw tonight. So that was the 1% increase.

Mr. Starr: I'm sorry, but I'm not satisfied with that level of competence. We expect better here. We should know what it was predevelopment and the fact that this project is causing an increase which, you know, may be slight but is against the rules. It's not supposed to create any increase and your presentation today as well as your literature suggest that improvements will be reducing it. So I don't see how you're reducing it when you just told us there's an increase which as far as I'm concerned is something that we're prohibited to accept. Please answer this.

Mr. Hirano: There will be an increase in the flows from the development that increase will be absorbed through the existing drainage system in terms of the capture.

Mr. Starr: No, he just told us that this project is causing an increase of 1% in the runoff.

Mr. Hirano: That's because it's developing impervious layers in terms of the push out of the lobby.

Mr. Starr: Yes, but then you're supposed to retain it on site that's what the law says.

Mr. Hirano: I believe those will be retained on site and within the capacity of the drainage system.

Mr. Starr: Madam Chair, could I request a short recess while they figure out because we've gotten two separate answers here? Can we take a short recess while they figure this out?

Ms. Amorin: We can go to other questions while they figure it out. Commissioners, any more questions? Commissioner Hedani.

Mr. Hedani: Are you folks done with your presentation?

Mr. Hirano: Yes, yes, we're finished with our presentation. We're here to answer any questions.

Mr. Hedani: Just because we had so many people testify tonight about the time share issue, is any part of this hotel going to be converted to timeshare?

Mr. Hirano: No, they're condo hotels. They'll be owned in whole ownership.

Mr. Hedani: So the ownership of each individual unit will belong to one individual person or entity?

Mr. Hirano: Yes.

Mr. Hedani: So it's a straight condo. It's not a time share.

Mr. Hirano: No, it's a condo. Yes, you're correct.

Mr. Hedani: Okay, the second question that I had was I heard a couple of numbers on employees. How many employees are being laid off?

Mr. Hirano: I'd like to ask Javier to just clarify that.

Mr. Cano: We will know when we get a little closer as to exactly the number, but we expect to have about 120 employees continue to work while we're closed. There'll be some functions that will continue to proceed, our Human Resources, Accounting, Sales and Marketing, our Engineering staff, Landscaping staff, there'll be a number of our staff that will continue on while we're still closed and continue in the hotel. Right now approximate numbers will be about 120 that will stay and everybody else will be laid off.

Mr. Hedani: What is the quantity for everybody else?

Mr. Cano: If I do the math real quickly, we're about 700 employees right now. So about 580.

Mr. Hedani: So 580?

Mr. Cano: Yeah, approximately.

Mr. Hedani: I guess the question, and it's a tough question. I understand where you're going to be closing the hotel for six months. The concern I have is in a situation where – and we've had other hotels come through with renovations and they've actually retained their employees in the process. When you're dealing with 580 employees the concern I have is that many employees in Hawaii are, I've heard it said, two paychecks away from homelessness. How do you address that in terms of the people that we're dealing with, the 580 people that would be displaced?

Mr. Cano: Yeah, absolutely. That's a very, very good question. One of the things that we started out with, which was a very serious consideration for us as well, we believe that there's really going to be a couple of groups of people. We believe there's some people who are going to take some time off. They may not take the entire time off, but they're going to take some time off. Then we believe there are believe who you described who must continue to work. We are making every effort we can to get other employers to come in. As you know, the unemployment rate here is 2% and there are a number of my colleagues who called me and said that they'd be very willing to come forward and offer positions to people. And so we have as was mentioned a little bit earlier over 30 employers who will be coming up and there are other hotels, Star Market, other companies that will be coming forward and will be hiring our staff on a temporary basis until we reopen. Again, it works out well for them. We pay the benefits. They've already got a highly trained staff in place and so we want to give our staff – the reason we're doing this in April and not doing it closer to when we close is we want people to have peace of mind too, that they've already got something lined up. And if there's a need for us to do another job fair, if we go through this and we need to have – we'll do it again just to try to make sure whoever needs to be working has got an opportunity to do that while the hotel is closed.

Ms. Amarin: Commissioner Hedani, you have another question?

Mr. Hedani: Yeah, is there any safety net for the ones that gets dropped between the cracks?

Mr. Cano: Well, we – as I said, we'll do another job fair and try to do that and our efforts will be to work everybody that can. I feel pretty confident with 30 employers that are out there



and the workforce needs that are going to be out in the community in the west side here and we've got employers from all over Maui not just here on the west side but also on South Maui as well that we're going to be able to get people who need to work jobs. Like I said, if the first time it doesn't work we'll do another job fair where we get employers back in. And if we have to do a third one, we'll do that as well, but we want to get people placed early on so that they don't worry about that the last couple of months while the hotel is still open.

Mr. Hedani: Thank you.

Ms. Amorin: Chair recognizes Commissioner Iaconetti.

Mr. Iaconetti: Is there anyone here representing Gengate?

Mr. Hirano: Yes, there are two representatives of Gengate, Jerry Landeck, whom you met this afternoon and Steve Ferris of Gencom.

Mr. Jerry Landeck: I'm Jerry Landeck, I'm a partner in the Ritz-Carlton Hotel with Gencom.

Mr. Iaconetti: Do you have a ballpark figure on the cost of the condos?

Mr. Landeck: The selling price? The cost of the renovations? The selling price.

Mr. Iaconetti: Yes.

Mr. Landeck: We haven't set any prices yet. They're over a million dollars, million and a half probably average I would guess. We haven't gotten to the pricing, sorry.

Mr. Iaconetti: But you've been involved with other developments like this?

Mr. Landeck: Yes, yes, similar. One is very similar Bachelor Gulch in Colorado which was built as a hotel and we're in the process of converting half of that to a condominium hotel.

Mr. Iaconetti: So you estimate that it will be less than \$2 million for a condo?

Mr. Landeck: Yes, on average.

Mr. Iaconetti: The other thing that bothers me, although it has been – we've been told frequently tonight that there is no possibility that the condo will become timeshares. Is it possible to put that into an agreement when someone buys the condos that there will be no possibility of a time share unit?

Mr. Landeck: I think that is possible. Well, it will probably be in our – it's in our agreements now with Ritz-Carlton and with Maui Land that we will not turn this into a time share. That's an obligation we can pass onto our future buyers, yes.

Mr. Iaconetti: But it would be something that could be in the agreement of sale?

Mr. Landeck: Probably in the condominium documents which the declaration which would form the condominium itself would prohibit conversion to time share or use as timeshare.

Mr. Iaconetti: And we can be assured that that statement will be in the selling agreement of the condo?

Mr. Landeck: Yes, I think we can assure you of that, yes.

Mr. Iaconetti: Good because you're on record now.

Mr. Landeck: Okay, I'm on record.

Mr. Iaconetti: Thank you.

Mr. Landeck: Is that your only question?

Ms. Amorin: Commissioner Guard.

Mr. Guard: This one was for I guess Mr. Naeole on a archaeology question, maybe it will lead up into a drainage question. Where they're talking about doing the additional building footprint, has that already been disturbed and there's not the chance of any new burials?

Mr. Naeole: It has already been previously impacted, but according to my experience with the Burial Council we look at everything no matter if it's impacted or not. Because this is why we're doing our homework to start this archaeological internship of Kanaka Maole to come and work this land, who have a DNA connection to this place to make sure that everything's done right whether it's impacted or not. So to me it doesn't make a difference. We will be there no matter what. Even if it's the outside of the lobby where it's 35 feet of fill we'll still be there anyway just to safeguard and make sure we maka'a on that project.

Mr. Guard: And then second part, I guess well this would be off the project. So on your monitoring plan, you feel that typically one person per piece of machinery is that adequate to do the proper job for an archaeologist. I know that's the State requirement, but is that enough versus having a second set of eyes there.

Mr. Naeole: That is the State requirement. Best case scenario of course if we had more

and we could afford more of course it will take place. Right now with my previous experience seeing if we have the eyes of the Kanaka Maole on it it's whole different set of eyes. So this is what I'm looking forward to is having that project go forward. Unfortunately there are many who come from large archaeological firms in the mainland not associated with sand dune burials, not associated with Hawaiian practices and they're just kind of catching on. We hope to take advantage of the DNA connection here to make sure that we're already that far ahead of the game. So State requirements request one, we will instill a program we hope to make sure that it is taken care of. If there's more available, we'll rock on that.

Mr. Guard: That would be great probably for also other projects on Maui that are in kind of a ground zero type area.

Mr. Naeole: That's what we hope will catch on for the state. Exactly.

Mr. Guard: And then the second part of that regarding drainage, is there any spot that they may be able to retain more – I guess just sheetflow on site. Typically in some of the other projects that we've seen before us they're trying to capture more than they were before. It's like, I think everyone knows that there is a problem with water and some nutrients getting into the ocean everywhere that to just say oh, it's good enough, we're not going to increase that. That to say, hey we want to take advantage of our spectacular beach and snorkeling area. We want to try to keep more fresh water out of the ocean and out of the nutrients, nutrients out of that.

Mr. Naeole: I cannot speak as an engineer, I can only speak in the 15 years of experience from being there and seeing the rushing water that would come and just – by the way the grade is it causes some damage. So to me anything that we can do to stop, to cut that water back is a big improvement because you know, sand bags have become the order of the day when it comes to preventing any damage to the hotel and to the beach itself. And we immediately work upon that as soon as we see these storms coming, but yeah, I cannot speak as an engineer but I will say that anything that can be done to retain that water away from the beach is a big improvement.

Mr. Guard: I think engineers know how to do it, it would just be that issue of if there's a site that is more likely to not have an impact on any archaeological sites to either dig a few dry pits that retain more water and that might be a issue that your engineer and yourself could discuss.

Mr. Naeole: From a layman's terms, the further back away from the site of course would be the way to go.

Mr. Guard: And then one last, I guess this is for the commission, earlier in the day I had a

request for me to recuse myself on the voting for these two projects just for a perceived conflict. So I'll participate in the discussion, but not part of the vote.

Ms. Amarin: So noted. Commissioner, I'm not sure who was first. The Chair will recognize Commissioner Starr to complete his questioning.

Mr. Starr: Okay, thank you. You know how important the drainage is especially in the areas where the reefs and beaches are very sensitive. We know that before development the runoff contained very little nitrates, phosphates and other chemicals as the project's landscape those are causing algae blooms and they're causing damage to reefs. So it's been the trend for developers to find ways to reduce the runoff. We've been, you know, in major projects we've recently been seeing 30 and 40% retainage over the necessary. I mean, that would be very difficult here since this is a primarily developed project. But this is the first time since I've been on the commission that I've actually seen wording like this, "drain pipes carry the collected runoff through the site eventually discharging into Honokohau Stream near D.T. Fleming Park. Storm water design flows at the outlets of both drainage subareas were calculated for existing and developed conditions to analyze the capacity for existing drain pipes at the connection points. Existing storm water runoff is estimated at 109 cfs. I believe that's in a 50-year incident while post development storm water runoff is estimated at 100 cfs an increase of 1.0 cfs." Now I'd like to ask Mike from Public Works down at the other end, hello Mike, I think he's the pertinent expert on this. Am I correct in believing that projects out for an SMA which are not allowed to further damage the shoreline resources are required to absorb all of the delta increase in runoff?

Mr. Mike Miyamoto: In reading their drainage report, if you look in their drainage report, what it states is that typically the county requires 50-year, one-hour storm for their design of the storm water management basin. They've actually designed it to a higher intensity. They've gone for the two-year, 24-hour storm which is a much higher intensity volume of water. So in fact they've over designed, based on their calculations, they've over designed their storm drain system to retain more water that is required by the county standards.

Mr. Starr: The way I read it is that this project will increase the runoff. Are they allowed to increase the runoff?

Mr. Miyamoto: In general, you know, like I'm saying, the amount of impervious area will increase, yes. But they're already retaining more water than they're required by the County Code. In the 50-year, one-hour storm the intensity is 2.7 inches. In the design documents that they present here, they've designed it for a two-year, 24-hour storm which is an intensity of 4.2 inches which is a much greater volume than the 2.7. So in fact, given what they've shown here, they've over designed storm water retention system.

Mr. Starr: I understand that. They were not able to tell me how much they were actually

retaining. I asked that specific question, but all I'm saying is from this paragraph which is on page 22, the very last sentence, "existing storm water runoff is estimated at 109 cfs." So in other words, that currently it's 109, post development storm water runoff is estimated at 110 cfs, an increase of one cfs. My question to you specifically is not whether they're retaining more than they need to right now, but whether the fact that they're generating an increase is allowable. My understanding is that it is not.

Mr. Miyamoto: Madam Chair, the increase – I guess you're looking at it for the exact letter, and I guess that's going to be one that we're going to have to work with Corp. Counsel because the volume of increase as they've shown is a very insignificant amount. Whether or not that is acceptable, that's something we're going to have to work, discuss with our Corporation Counsel to see if that is an acceptable. Because you're saying precisely exact numbers, but when you look at any kind of engineering computation, there is a certain level of uncertainty is that one percent within that level of uncertainty, yes. When you look at statistical data for rainfall, how many years did you collect that data, how often during the year did you collect that data. So there is a certain level of uncertainty with regards statistical data. So is that one percent within that amount? That's something we'll have to ...(inaudible)...

Mr. Starr: You mean so they're only – it's only little bit of legal or it's like being a little bit pregnant or something? You know, it's either increase or decrease and I see an increase and I do understand the County ordinance says that there shall not be an increase. So if it's, you know, if it's less than one percent it's not much but I'd like to go back to the applicant and see if they can find a way to retain some of that so that we have not create – we don't create an example and a precedent for an increase.

Mr. Hirano: Yes, and you know, Commissioner Starr, we discussed your concerns amongst ourselves and we feel that we can retain more on site we're just trying to do a calculation on what that may be, but we could maybe do that during the Phase 3 and have that come back. But there will be, I guess the undertaking would be to retain more than what the site generates due to the development.

Mr. Starr: Okay, I'll accept that and thank you for that.

Mr. Hirano: I understand your concern.

Mr. Starr: I understand it's not a lot but I hate to make that precedent and this is a very sensitive area so please do what you cannot only to retain as much as you can but to do the best job of filtration and also in the landscaping and management to try to reduce the amount of nitrates, phosphates and utilize organic and xeriscape systems. Thank you.

Mr. Hirano: Yes, yes, we will. Thank you.

Ms. Amarin: Thank you. Anymore questions to the applicant? Dr. Iaconetti.

Mr. Iaconetti: Clifford, I don't want to put you on the spot, but you and I know and have heard the comments of "local people" about what is happening to our beaches, what is happening to the access to the beaches. In your – do you feel that we are or the development properly support local access to the beaches?

Mr. Naeole: Being that it's just a renovation, nothing's really changing to what it is at this point in time, right now Flemings Beach has the public parking, etc., there's a big baseball field behind it as well, I don't see – for myself, I really don't see any concerns with this development. Over the whole impact of Maui, well, that's a different story, I'm a fisherman, I'm a diver and I go through these things just like every single person does. But as far as this development is concerned, I don't see any impact on the access to the beach and parking issues.

Mr. Iaconetti: The distance between the access to the beach is there any access through the property?

Mr. Naeole: Currently we have some courtesy allowed, some type of public access to the bottom of the burial site. We are undergoing negotiations with the burial site presently to possibly close the entire burial site, not because of development but because of abuse and that is my concern. And the hotel has been gracious and said, yes, we need to take care of this right a way in ways to preserve the sanctity and dignity of the area. So if we close that access through that bottom section, it is because of preservation efforts, not because of development.

Mr. Iaconetti: Thank you.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Cliff, I'm just trying to see if you can get some more exercise going back and forth to the microphone. We've heard a lot of different testimony tonight, a lot of misinformation that was presented by people that may or may not know necessarily what they're talking about. In the Hawaiian community I know there are people that can tell you whether or not there's a burial on the site without doing any excavation.

Mr. Naeole: Correct.

Mr. Hedani: We've heard people testify tonight that there are 25 burials located on this site in the areas that were scheduled for renovation. Is that true and do they know something that we don't know?

Mr. Naeole: Never in my experience have I heard this number come up nor do I understand why. This case for this hotel it's – when it began it was somebody who planted an apple tree and wanted bananas at the end. This opportunity now what a concept that it comes back to the apples, I'm sorry, to the bananas, straightforward. We have a chance to do things right. I'm sorry, I've not heard anything about these 25 burials. It may be confused with the Kapalua development that may be going on, but again, their protocol was different it was pre Ritz-Carlton. So there will be things that are found just like other hotels that were built pre Ritz-Carlton.

Mr. Hedani: Okay, thank you.

Ms. Amorin: Commissioner Hiranaga.

Mr. Hiranaga: I wanted to expand a little bit on Dr. Iaconetti's question regarding access to Honokohua Bay. I'm not totally familiar with this area but is the only public access currently available at the bottom of Office Road.

Mr. Hirano: To D. T. Fleming Park?

Mr. Hiranaga: Yes.

Mr. Hirano: No, there's access actually is – the main access is from the Honoapiilani Highway. There's a left-hand turn into a parking area and a parking lot to D. T. Fleming Beach. But there is – you know, people do walk across as Clifford had mentioned. They park on Lower H Road and I've seen people walk across to the beach.

Mr. Hiranaga: Is that a permitted access from Office Road or is it primarily –

Mr. Hirano: No, I think it's extended by the courtesy of the hotel that they allow people just to do that right now, but I think that's what Clifford was saying because of some of the concerns about I guess, the burial site and some impacts on that from people crossing that may be stopped.

Mr. Hiranaga: I now recall that –

Mr. Hirano: But the main access to the beach is sort of behind and into the parking lot.

Mr. Hiranaga: Yeah, I know recall that access. It's got restrooms and the parking lot 30 stalls, 40 stalls?

Mr. Hirano: Yes, it's quite a large area and I believe when the hotel originally was built, that was part of some of the mitigation that was provided was to build the parking lot.

Mr. Hiranaga: Is that parking facility considered adequate as far as demand for parking for access to the beach? Just because, I was looking at this aerial photo of the project and it doesn't seem like anyone's on the beach. I don't know if you airbrushed the people but –

Mr. Hirano: It's a very popular beach but I'll let Clifford speak on that.

Mr. Naeole: The parking at the top just below Kumulani Chapel which established for Native Hawaiians conducting ceremony protocol to go onto the site. I don't believe it was constructed as a access to the beach. It was mainly a place where Native Hawaiian could come and gather and then go have their ceremonies onto the site.

Mr. Hiranaga: But my question was the parking on the east or north end of the beach is that adequate for current public use?

Mr. Naeole: At D. T. Flemings you're referring to?

Mr. Hiranaga: Right. Is there adequate parking?

Mr. Naeole: I think it is because it overflows towards the baseball field and towards the side lot as well. I think it is.

Mr. Hiranaga: Okay, thank you.

Ms. Amarin: Okay, commissioners, the Chair calls for a five-minute recess.

A recess was called at 8:11 p.m., and the meeting was reconvened at 8:22 p.m.

Ms. Amarin: Commission is back in session. Ann Cua.

Ms. Ann Cua went over the Analysis of the Report of the Planning Department.

Mr. Iaconetti: You want questions now or after?

Ms. Cua: Now.

Mr. Iaconetti: You kind of went over medical, didn't mention it. Anybody that reads the paper here can realize that there are a lot of people that are really unhappy with the available medical facilities this far away from the hospital. Is it conceivable that Gencom would be interested in contributing to the development of a more local hospital facility on the west side?

Ms. Cua: I believe that's something you'd have to ask the applicant.



Mr. Iaconetti: That's what I'm doing.

Mr. Hirano: Commissioner Iaconetti, I think in Javier's presentation in terms of community benefits Gencom has contributed \$10,000 to the Maui Memorial Improvement Foundation or Maui Memorial Hospital Foundation and has as well contributed a thousand dollars towards West Maui Improvement Foundation to help spur on their work on the West Maui hospital proposal.

Mr. Iaconetti: Well, that would probably be a down payment toward a bed which I doubt. It certainly isn't contributing much to the needs. Are they interested in contributing more?

Mr. Hirano: I will let Mr. Landeck ask and maybe respond to that.

Mr. Landeck: Jerry Landeck again. We've had discussions with Javier about different community initiatives and that's one thing that Javier brought to our attention as being a real community need in West Maui. And we want to adopt that as one of our missions is to help that cause along. I don't have any specifics as to how we can do that right now.

Mr. Iaconetti: It's called money.

Mr. Landeck: Well, and in-kind. I mean we have a great facility there that's going to be even greater when we reopen and I think there's opportunities to do sort of in-kind contributions through fundraisers and things like that at the hotel. But I actually don't have a specific plan to present, but it's a cause that we would like to endorse.

Mr. Iaconetti: Could we expect to hear from the company that you represent that how much they might be willing to contribute?

Mr. Landeck: I can't answer that now but we can – we'll talk about it and develop a plan.

Mr. Iaconetti: Thank you.

Ms. Amorin: Ann.

Ms. Cua: Any questions of me?

Ms. Amorin: Commissioners any more questions for Ann or the applicant? Commissioner Starr you have unfinished business?

Mr. Starr: For the applicant there are a couple of areas that I'd like to ask them to consider seeing if they can go perhaps, you know a step further in a certain very positive direction that they're going. I was very impressed with the cultural and environmental building

project and attempt to educate both the visitors as well as our Maui people in these subjects. I saw in the plans they were talking about a windmill. I didn't see any mention of that in the presentation today, but I thought I remembered reading that. I was kind of surprised. Was that in some of the literature?

Mr. Lee: Yeah, the cultural environmental center as you saw on the plans is still very schematic and it's our goal to incorporate as much passive solar wind generation photo voltaic panels as we can to really truly make that a green building. I can't say that we've completely designed but we're exploring some of those new technologies. And so there's not a windmill per se on those plans right now, but as we evolve those plans we do want to incorporate as many of those initiatives as we can.

Mr. Starr: Okay, I was surprised with the mention of a windmill. We used to manufacture windmills and there's certain neatness in the clatter and bang but I'm not really sure if they're really – there is.

Mr. Hirano: Scott, there was a wind turban in the earlier plans.

Mr. Starr: So there is a concept of wind, but the thing that I would like to ask you to consider is something that is practical to the point of being almost a no-brainer for people who not only build but operate their own facility which is to incorporate if you can some solar hot water. I don't think it would be right to ask you to put it into the existing structure because I think that's a very difficult thing to do for many reasons but in this environmental center there are some bathrooms and that would be more demonstration but the spa is going to be 20,000 gallons a day of mostly hot water, maybe more than that. I'd like to ask if there's any way you can incorporate solar hot water into the spa design and kind of raise the bar in that area.

Mr. Hirano: I'd like to just ask Julia Louie, who is the project architect as well if consideration of some those energy conservation measures that can be incorporated.

Ms. Julia Louie: We do want to explore as much as we can in terms of the sustainability in our designs and we can work with the – ...(inaudible)... is our MEP engineer on those issues especially with the cultural environmental center, I think we definitely want to make that as green a building as we possibly can and probably we can do some solar panels on that as well. In the spa I think we can look at some options there for getting some solar heating as well.

Mr. Starr: Yeah, solar hot water you know, it's less than three-year payback. There's a lot of tax incentives as well and so I really ask you, you know, that's one area especially with the spas where which are hot water intensive uses. They're perfect mates for that so please –

Ms. Louie: Yeah we do have some LEED certified people on our team as well who are very committed to that kind of thing.

Mr. Starr: Good. Please do that. I'm not going to ask my fellow members to try to condition it, but I'm sure that you'll use your good graces to find a way to put some solar hot water in the spa.

Ms. Louie: Thank you.

Ms. Amorin: Could you please state your name?

Ms. Louie: Julia Louie, I'm the project manager for SB Architects for this project.

Ms. Amorin: Thank you.

Mr. Hirano: As well Commissioner Starr it is part of a standard condition so we'll be addressing that in that preliminary compliance report.

Ms. Cua: Commissioner Starr, I believe that's your – if you want to look at the language it's your standard condition no. 12. And again, when they submit preliminary and final compliance reports, I would check how they've complied with that condition at that time.

Mr. Starr: I understand. And right now the condition says may or encourage. I'm hoping that sometime in the future this commission and the County of Maui will move toward an area where that's a much stronger wording when it comes to the solar hot water. And this is certainly a project that can lead the way and make it a good example of how it should be done.

Ms. Amorin: Ann, before we go into the recommendation I just want to make sure that there's no new testimony out on the floor.

**a. Public Hearing**

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

Mr. Wayne Nishiki: My name is Wayne Nishiki. I'm speaking on behalf of myself. I'm sad tonight because I don't see my person that I have come not to meet tonight, but I was hoping that she was here, it's my heroine, Joan Pawsat. I'd like to preface my speaking about the two agenda items by saying that I wonder Mayor Tavares and other Council members that have questioned her integrity, if Joan Pawsat had said that she was for all these projects and everything was beautiful would she be taking the heat just because she decided to speak against a project. And maybe, hopefully that if any of you members

Speak about a project and say how beautiful it is, maybe you should recuse yourself from voting if that is the reason why a commissioner has been chastised.

Finally, I'd like to speak about these two projects, the Kapalua Gengate Hotel Realty Project and also the project in regards to Phase 2 of the Ritz-Carlton. And maybe people have not been honest enough to say that the reason why the Ritz-Carlton is remodeling is because and why don't they be honest with all of us, they were honest with their employees, that it is sinking. That is the reason why. There's flaws and that place is sinking.

In the area of the Kapalua Gengate Hotel I wish to also say that in these Special Management Area Permit, (a) says it does not involve any irrevocable commitment to loss or destruction of any natural or cultural resource. I don't know why the Maui News has been negligent about it but we know and why you people may not know that there are grave sites at Kapalua that have been discovered more than 25. And I hope that you will not give any special management area permit if these grave sites have not been addressed and I think you should check with the Burial Council

Similarly with the Ritz-Carlton, I would hope that you would ask the Burial Council to investigate where the plans are to be changed and if there also burial sites there. I think that many of us as we come before a commission like this I think we need you people to be more vigilant. You've been picked as honored planning commissioners I would hope that you will all do your work. I know there has been some controversy about who you represent and who and what capacity you sit on this commission. But you know what, people in Maui County, local people especially, finally are saying out loud that they are really sick and tired of what is occurring here in Maui County.

Ms. Takayama-Corden: Three minutes.

Mr. Nishiki: Thank you. Any questions?

Mr. Starr: Madam Chair.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Good to see you back in the public eye Wayne. Sinking, I'm very confused. This is the first I've heard of that. Could you explain what you mean by it's sinking?

Mr. Nishiki: You know, it's been said when the employees were told by the Ritz-Carlton that they were going to close that hotel. They said renovation, but if you were to get their engineers or people of expert and ask them point blank tonight what is the reason why you're doing this renovation? It's because the buildings are sinking. It was told to the

employees and now they're giving a different tune and story. I mean, what's wrong with these people? I don't know where they come from but you know, I think that there should be a little bit of honesty here in Maui County. And you know, despite that you come here to be a part of this community, whoever you are, please respect the local culture, respect those of us that have been born and raised here that have moved here and don't start coming over here by telling lies. I think that is something that I would be concerned about if this is the first introduction to someone that is coming to Maui and wanting to do some work here. We deserve some respect, and we work here and live here and was born and raised here. And um, I just feel Jonathan that you should ask these kinds of questions rather than accept face value on what is being said about these projects. So that is my statement and my answer. I hope I've answered your question. Any other questions? Thank you.

Mr. Michael Spath: Thank you. Good evening Planning Commissioners. My name is Michael Spath and I'm the Unit Chairman at the Ritz-Carlton of the ILWU and we have over 450 members at the Ritz-Carlton now. Although this renovation will temporarily impact our members, we support the renovation program.

The owners of the hotel and the management of the Ritz-Carlton have been proactive with the union and its employees and they provided information on a continuous basis since we first learned of this and they're going to assist us with minimizing the disruption that this temporary closure of the hotel may have on our workforce. There's been transparency and openness with this process and how the temporary closure of the hotel can be handled to the least impact on its members.

The hotel has organized a job fair with the last count over 31 companies are going to be involved and they're going to help the employees who –with the opportunity to find new employment while the hotel is closed. The owners and the Ritz-Carlton have worked with our organization to insure that our members are looked after for their health benefits as well as their seniority while it's closed. They've told us that they're going to pay the entire share that had been paying for those benefits and we feel this is a very responsible and necessary part of the planning. We've worked with these owners and the Ritz-Carlton in looking at ways to keep key functions and personnel in place during the closure and ways to bring back our members to preclosure employment levels as soon as possible.

In closing, the local ILWU would request that the Maui Planning Commission approve the necessary permits for the hotel renovation program. Also, I'd like to add that I've been there since the opening of the hotel, 14 plus years. I've been on Maui for 32 years. I'm in the Engineering Department, I know just about everything there is to know about the hotel.

I know we had a sinking problem 10 years ago, 12 years ago, it was fixed at that time. The renovations they are planning now are long over due. We're in dire need of it. Our guest

complaints are mounting on a daily basis. I think everybody that works in that hotel realizes that and we are very strongly in favor of it so thank you very much.

Ms. Amorin: Any questions? Dr. Iaconetti.

Mr. Iaconetti: As an engineer what are your comments about the sinking problems that they had a hotel a while back and ...(inaudible - not using a microphone)...

Mr. Spath: Again, as far as I know that was at least 12 years ago. It was in the very beginning of the hotel. At the time I know that they had drill a hundred to two hundred steel posts basically under the hotel and that's been accomplished and I have no signs of any kind of sinking since then as far as structural damage, things like walls cracking, different wooden structures moving, nothing like that has happened since the improvements were made.

Mr. Iaconetti: Has there been an engineering evaluation of the repairs?

Mr. Spath: Sir, we have more evaluations than you could believe. We have the Marriott, we have the Ritz-Carlton, we have the – you know, we have everyone looking at us all the time and, yes, I believe those evaluations –

Mr. Iaconetti: Are available? And one other question regarding the employees that you represent in your union position. Are they going to be welcomed back to the Ritz-Carlton for employment?

Mr. Spath: I'm glad you asked that because the process as I understand it, they're not only going to be welcomed back, they are being held onto. The hotel is going to pay for their benefits while they work at other properties if they get jobs at these job fairs. That's their inducement to picking our employees up rather than getting a new employee off the street. So that's why we gotten a lot of I guess interest if we've got that many hotels, restaurants and other businesses coming to that job fair.

Mr. Iaconetti: Thank you.

Mr. William Kennison: William Kennison. Hi. Division Director ILWU, Maui Division. Ladies and gentlemen good evening. Yes, I represent the ILWU and as Mike has reiterated I do support the project. When we have this type of projects, this is the type that we do support because we know that many of the hotels are in need of renovation. But when you do renovation and you keep the property going, and they're going to be keeping the property going, in other words, it will have a minimum workforce and also we know we have end line where the employees will be coming back to work, that gives us a lot of safeguards. We have an agreement with the property where the employees will be taken

care of during their period of layoff whether they're collecting unemployment compensation or they can go work elsewhere and they will still have their benefits paid.

Ritz-Carlton has a very high standards and this employees are well-trained employees and they want their employees back because if they have to go out and hire new employees, it's not easy to find employees in this time in Maui County with the workforce the way it is. The employees need to – By having the employees come back to work, they'll be able to maintain the high level of service that they give the guests. We have gone through many times this type of renovations, we just got through with Four Seasons on Lanai, Koele and Manele. We just coming out of the Royal Lahaina, so we've been through this process and this is the process that makes a lot of sense. I'll tell you right off the bat I don't like the process of Kapalua Bay Hotel and they shut down and all their employees were laid off. Employees 25 years, 30 years, and you know, no job. This one we have been told that this and we have been assured and the employees will be returning back when the hotel reopens and that means a lot to the employees because they have the seniority, they'll maintain their seniority, their benefits and when they come back they will maintain their seniority. So if they had 10 years, 20 years, 15 years, whatever the amount of years they had the hotel they will maintain that type of seniority. So yes, we are in support of the project and hope that you guys will support it too. Thank you.

Mr. Iaconetti: Are you also employed by the hotel or are you simply for the steward for ILWU?

Mr. Kennison: I'm the Division Director for the Maui Division. So I represent the employees at the Ritz-Carlton as the other various hotels in Maui County, Lanai and Molokai that we represent.

Mr. Iaconetti: You're not employed then by the hotel?

Mr. Kennison: No.

Mr. Iaconetti: Thank you.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Thank you Madam Chair, and Mr. Kennison thank you for coming out and also it's really appreciated the teamwork that's being done to take care of the employees. Now, one of my concerns and not so much with this project in particular, but in an overall trend and it's an island trend or a statewide trend and seeing you here I wanted to get your comments on it. Part of this hotel is going to become a condo hotel, and I don't know how much that really affects the workforce, but more and more we've been seeing projects where they're becoming a time share. I know that the Kapalua Bay is going that way, and

I'm wondering what the impact, longer term looking forward if you could give some comment. I'm looking for more, you know, what that issue is, more than, you know, it seems like in this project it's not an issue so much, but more what are we looking toward with that trend happening?

Mr. Kennison: Sure Jon, thank you. A very good question. As far as this project, just briefly on this project, no we've been assured that although part of the wings is going to be turned over to a condo hotel, it's going to be still run as a hotel. So our employees will still be doing the work as far as the hotel work that they do. So that's very positive. So we're not opposed to a condo hotel when it goes in this manner. We are opposed but when they close it down and then they're going to rebuild it over again, that's something that we – when they shut down the whole property as I mentioned earlier, we're very much opposed to that manner. In this manner we can work –we're working around with – time share I very much opposed to the conversion of time share. You know we have a limited amount of hotel rooms over here. So when you convert the hotels to timeshare, I'll be blunt with you, Jonathan, I'm very much opposed to it. You're taking it out from the hotel inventory and that I think in the long run is going to hurt Maui County as well as the State. Thank you.

Mr. Cliff Naeole: Aloha, Cliff Naeole. First and foremost, I am kanaka maole. I am born of this island. I am a cultural practitioner. I am a former member of the Burial Council of Maui, Lanai and I am employed by the Ritz-Carlton Kapalua. I am here to ensure you that this property will never, ever compromise the sanctity and dignity of our culture for the sake of development. I guarantee you that. I don't take my job lightly. It's something I have to sleep every night with on the decisions that I make in consulting this group. It will never happen. I have to report to my kupuna, to those living and those past, my kumu or practitioners and if I step out of line, I will take the blunt of the blows. I can assure you that every single person associated with this project from the owner to his uncle, to the managers, to every single lady and gentleman employed by this hotel that they are very, very sensitive to what has happened. We take responsibility for what has happened but moreover, we take responsibility for what will happen. That's important for us is to know that mistakes are made but they can be judged by what happens after the mistake and we don't want to make any more mistakes. So we have really done our homework to what will be going on in this hotel.

What happened to Honokohua created a benchmark in terms of legislation, organizations, in terms for archaeology, for the Burial Council, etc. We want to continue to be a benchmark for the rest of the State of Hawaii to follow. You'll find out a little later on tonight with the presentation what programs that we want to bring to the table that we hope the rest of the State of Hawaii can follow and this is because we want to be correct, we want to be pono. Like I said, I have to take all this into consideration before we make decisions. And all of these people have gone through my cultural classes including the owner and his pledge was he will support na meha Hawaii, all things of Hawaii. So I stand here before



you with that personal guarantee. And that's all I can say, is that we will do what is correct. Questions?

Ms. Tamara Paltin: My name is Tamara Paltin and I live in West Maui. I just want to come here and ask you folks not to grant this special management designation to the hotel. Just because we really don't want it as a community and I was following you guys around at the site inspection access. The beach access is a joke. There's no place, I mean, there's only parking spaces for 10 people for each new development. You can't even get to the beach. You can't even park. Where we parked at Kapalua was not public parking. That's where you guys park to access the beach. Where the regular people park is way much farther up. And to build a crosswalk right by Slaughterhouse that is a very dangerous road. I don't know how you can even consider it building a crosswalk right there. There's people flying around that bend all the time. Kids are going to get hurt. Basically there's not the infrastructure out there. That's all rural area. It's not like Lahaina Town. It's not like Puamana. It's not like Launiupoko. If you guys are saying it meets the qualifications for guys to grant a special management permit. It doesn't meet it. You're going to lose stuff that you cannot give back in the process.

And while I respect Mr. Naeole, and I thank him very much for his efforts. I trust him, but I don't trust his boss, you know, I trust him to make every effort and guarantee but I don't trust his boss. If that's a publicly traded company and they're out to make a profit, and he tells them no, you cannot, and they want to see a profit, who are they going to listen to? Their employee? Or their boss, the shareholders? You know? I mean, I thank him very much and I'm stoked his out there looking for the interest of our culture and our heritage and I trust him, but I don't trust his boss to follow through and make sure. Because already right now I'm not seeing it, you know. Like they want to – his boss is the one that wants to build a golf course on Honolua Bay so that it won't be eroded by people walking down the trail. He's upset that there's litter and rubbish everywhere when why didn't you put a rubbish can then, you know. That's a proven so solution to litter everywhere is to put a rubbish can. That's a simple one, a third-grader could have thought of it but instead he wants to make a golf course and 40 houses to protect the area. That doesn't make sense to me and this is the same guys asking for a special use permit? It doesn't seem right. That's all I got to say.

Mr. Alan Akana: Aloha, my name's Alan Akana. I'm just a citizen from West Maui. I live in Napilihau and I'm totally against all this development that's going on in Kapalua right now period. It's rural like Ms. Paltin said. We don't need any more crosswalks at Slaughter House? That's ridiculous.

First of all, let me step back, I'm really bummed out that Ms. Pawsat didn't come here tonight because that's who I actually came here tonight to see because I want to thank her very much, actually saying the truth of the real people who live in Maui who are going to

be here the rest of their lives not a little vacation spot two weeks a year. I live here, I have two kids here that are going to live here. My youngest kid wants to move away. So I just want to talk to her and say thank you very much for what she stands for and it's the truth. Bottom line it's the truth. Okay, it's hard to tell the truth especially when you got all these things flashing at you.

But anyways I'm totally against this management permit, the special management permit for Kapalua. The fact that it's totally – they need to do their homework. This is totally ridiculous because I'm in the community and I know for a fact, okay, I live in Napili Hau that nobody wants this kind of development. It's unsustainable. It's not even looking toward the future of anybody else. These luxury lots they got already, they're dark neighborhoods out there. In other words, there's no one out there. There's no action, there's no kids running around, you know, it's totally ridiculous and we've got to open up our eyes because this is 2007 and the world right now doesn't look good to the future for my kids and here's where we got to start right now.

And like Tamara said, she respects Mr. Naeole. I respect him too for what he knows but the fact is the company pays him. He gets a paycheck from that company. I don't get a paycheck from this company. All right. I'm telling the truth from what I believe and I know from the people I know. I'm not getting one cent from this company. I'm not getting one cent from any other company that's against it either. All right, but this is ridiculous. You can see it every day, the traffic, everything, the infrastructure. You pass Honokowai every day you – I mean, you know, that's crazy and Mr. Cole wrote in his letter, I don't know if you guys read the Maui News but I do and he wrote some ridiculous story about how everybody needs a stewardship. They own the land. They're a for-profit company. All right. Now do your math people. For-profit company, he's going to say that – like I'm a drug dealer because I use the bay, I litter, huh. Like Ms. Paltin says, easy as a trash can. That could be done years ago, years ago, and this kind of stop light over here and doing all the stuff that's ridiculous. We don't need more luxury homes. We need low income housing to affordable, not affordable, we need low income to affordable. That's all I have to say. Thank you very much.

Ms. Amorin: Thank you very much. Dr. Iaconetti.

Mr. Iaconetti: Maybe I'm confused but this is a public hearing concerning the hotel redevelopment.

Mr. Akana: Yeah, I don't redevelopment that hotel.

Mr. Iaconetti: You don't want to redevelop anything?

Mr. Akana: No, because time share is ridiculous. Time share is ruining our whole

communities. Okay, because time share – it goes like this, okay, it's all good, everybody makes their money, they take off. These time share sales people – my wife works for time share for the Marriott. She started a time share. There's people who work here who come to Maui to make their money and leave. That's not the community. That's not community based at all. I'm not going anywhere Dr. Iaconetti, you know, and that's why I'm concerned about this – this permit – it's not only this certain permit, it's every permit that comes along now okay, because what, just going to let everything go like Ms. Pawsat wrote in her article. What, just let everything go? All you guys are developers and builders and all that stuff? You know, I got to say my word. This is the only place I can say it. Okay, I've learned in my life where you got to do things like this and I'm going to do it until the day I die. I'm going to be fighting for what's right. We can't even – look at the infrastructure, just the hotel – the time share goes like this, okay, they sell the time share good. All of a sudden you have owners involved. Next you know these owners don't want that specific person working for them. Say that the individuals of the housekeepers, next you know, they got to hire their own, their private housekeepers. So now these people lose their jobs. Or they don't even want their engineer. They want somebody else. They don't trust him. I'm an owner. I got one-fifty four share in this, I want my say, I don't trust that guy. Okay, I have my own personal private engineer I can use and that's where it goes from there. It just going to trickle on downhill and snowball and next you know we're all going to be lost. You know we're already going to downhill right now as far as I'm concerned. I mean, we got to stop now and this is some place where I'm going to start my own self personally.

I forgot to say thank you very much Dr. Iaconetti for here too because, you know, I'm not saying I'm on his side or he's on my side but I know he's good person, he's going to do what's right for everybody in his community because he's a main guy in this West Maui community. You ask anybody who's over 25, 30 years old they know Dr. Iaconetti, if they're pig farmers or whatever because he's a real kind of doctor, he's a real country doctor. Everybody knows him.

Mr. Iaconetti: Thank you very much. I wasn't expecting all that.

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

Ms. Cua: So that was officially opening the public hearing and then closing the public hearing.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: This is not a question for Ann, it's a question for the project and maybe Mich can address it. The biggest concern that I have is over the employees that are going to be displaced over the project as a socio economic impact. Has the developer considered or would they consider something like a safety net for employees, a last recourse kind of a

situation where if you have an employee that hasn't been placed, that hasn't been able to find a job, that's in dire straights that's about to lose his house that he lived in for 30 years could they consider creating a fund that they can turn to for an emergency loan type of a program to cover them for the six-month period during which time they would be dislocated.

Mr. Hirano: I understand the question. I think Javier would you be able to answer? I don't like to put Javier on the spot. It's something that I think, you know, the Ritz-Carlton as a management company and the ownership has made every effort to try and lessen that impact.

Mr. Cano: Commissioner, we hopefully will know very soon whether or not we get to that point of having everyone placed that needs to be placed. That's the goal is to be able to know with enough time to be able to affect. If we do come to a situation where there are someone who falls through the cracks as you had mentioned, I think that we may have the ability to be able to find something for them to do at the hotel. Be able to accommodate one way of shape or form if we get that point of dire straights. You know we're at 120, we can go to a 121 for a period of time. But I'm very confident with all the efforts that we're making right now that we can try to get everybody captured well before the hotel closes. But if we get to that point I'm sure that somebody is not going to lose their house. I'm sure we'll find them something to do for a period of time.

Ms. Amorin: Commissioner Hedani.

Mr. Hedani: Thank you. I appreciate that consideration. The other thing that I wanted to mention is that I appreciate the fact that the Ritz-Carlton on a basis of number of employees to number of guest rooms is significantly above most of the hotel rooms at least in Kaanapali if not in Maui based on the ratios that you have of employees to guest rooms. So that's something that's very positive for the economy and for the island.

Mr. Cano: We are very fortunate that our company does believe very strongly in a very, very high employee to guest ratio and we are blessed to be one of only three, five-diamond hotels here in Hawaii. And so we wish to continue to maintain that designation and as such we have to maintain the high standards and high number of people that we have employed. We're going to continue to do that and as we come out of this, as I mentioned a little bit earlier, we will be hiring even more people which will be an effort that we will continue to do as we continue to develop the resort.

Mr. Hedani: Thank you.

Mr. Cano: Thank you Commissioner.

Ms. Amorin: Thank you. Ann, your recommendation.

**b. Action**

Ms. Cua: Madam Chair and Commission, in the interest of time would you like me to read all of this or can I just make one comment then. There's a change I need to make to three of the conditions because it is misleading. Conditions 21, 22 and 23, I indicated that those conditions were recommended by the Department of Public Works and Environmental Management and they were not. Those conditions came straight out of the recommendations of the project's traffic report and the applicant has agreed to include those mitigative measures into the project and so those conditions still need to stand but I just wanted to remove the reference that it was recommended by the Department of Public Works and Environmental Management. That was my error.

Other than that we're recommending approval, first of all, approval of the Project District Phase 2 application with two conditions and the SMA permit application with 26 conditions. Any questions?

Ms. Amorin: Ann, earlier you said you were going to do an insert on a condition regarding the DLNR.

Ms. Cua: It's in there. It's in there. Conditions no. 19 and 20 are the two conditions recommended by DLNR State Historic Preservation Division.

Ms. Amorin: Dr. Iaconetti.

Mr. Iaconetti: Are you planning on – would it be appropriate to put a condition limiting the utilization of the condos to condominium and not to timeshare or short term rentals other than hotel?

Ms. Cua: I mean, we could add a condition. You know, normally when we approve a project it's based on representations made in the record and the record is quite clear here. You've asked the question, it's been answered. We don't feel it's necessary to put a condition but it is your prerogative as commissioners if you choose to do so, but the record is very clear in our opinion.

Mr. Iaconetti: I don't know how the rest of the commissioners feel I would like to see something about not allowing time share at any time with the condo development.

Mr. Starr: Can we ask staff to draft something?

Mr. Iaconetti: Do any of you have an objection to that?

Mr. Hirano: We heard from the applicant about the intent and as well the agreements. My

only concern is really the -- I think the principle of it because is it part of the SMA Use Permit action. The condo conversion was an earlier SMA Exemption that was granted by the Planning Department and that was the condo hotel conversion because there were no structural renovations done for that and they met those exemptions. So, a condition that is part of the -- that isn't a part of the Special Use Permit action that we discussed today, the scope and to have the condition on it, I think on principle, it's a bit of an issue I think.

Ms. Cua: I think that's something that we maybe can run by the attorney. What Mich is saying is correct and the record, the record again shows that. In terms of the background information that I included in this report there's just one little paragraph that says when the Planning Department granted an SMA Exemption for the conversion of these units and that was back in December of last year, the information is included in this application because we would be remiss not to let you know that this action took place. It is part of the overall concept for the project. However, that conversion which is basically a use change was covered under an SMA Permit Exemption done by the department back in last year. So I think that becomes a legal question whether we can put a condition regarding an action -- regarding something that they're not asking for in the context of this permit application.

Ms. Amorin: Corporation Counsel.

Mr. James Giroux: This is very unique. As far as analyzing whether or not this would be within the scope of your powers I'd just like to ask the planners if they've analyzed the possible impacts of the conversion in the light of, you know, what possible impacts a conversion would do and also what mitigation would putting such a condition on a project such as this.

Ms. Cua: The analysis or the assessment for the conversion was done prior to granting the exemption by the department for the conversion and that was done in December of last year. So there was no analysis done per se on that conversion as part of this project because that was not requested as part of -- it was just acknowledged that that was something that was granted by the department last year.

Ms. Amorin: Dr. Iaconetti.

Mr. Iaconetti: This is a comment. We frequently hear from people on the commission or others the request that what is this doing for the community and this is a comment only, I'm not suggesting anything, but I hope that they will take into consideration one of the great needs on this side of the island. You could contribute to a need that would be of great benefit for the entire community if you considered my previous comments about the need for medical facilities.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, second what the doctor just said, he's right with that. And Madam Chair are we ready for a motion?

Ms. Amorin: Yes, we are.

Mr. Starr: Then I would like to move that for approval with the conditions as recommended by staff. I'll let Ann phrase it properly because it's getting late and I'm not sure what we're approving here.

Ms. Cua: We have two conditions associated with the Project District Phase 2 approval and we have 26 conditions that we've recommended as part of the SMA Permit approval.

Mr. Starr: Okay, Madam Chair is that clear.

Mr. Hedani: Second.

Ms. Amorin: Yes, and we have a second by Commissioner Hedani. It's been moved and seconded and with Ann's recommendations and corrections to the conditions, all those in favor.

Mr. Starr: Madam Chair, can we have discussion before?

Ms. Amorin: Discussion.

Mr. Starr: Just a quick comment and that is, back in the late '80's and early '90's I really cried when this original project came about and with the burials and cultural and Fleming, you know, I spent a lot of time at Fleming Beach and it was just a very emotional thing for me and I was really saddened, but over the years I think that this organization have been great neighbors. They've certainly been really supportive and raised the bar in terms of quality and of service and elegance and especially support for the arts and music as to Grammys and the Hawaii Film Festival and all the other good things they've done over the years. So I just want to thank them for being good parts of the community and having said testimony from the union saying that these people are best that was impressive. I know you're going to do your best to help the workers and I also know that the organization will listen Dr. Iaconetti's plea which I'm sure comes from all of us in terms of helping the medical situation in West Maui.

Ms. Amorin: Thank you. Commissioners any more comments? Commissioner U'u.

Mr. U'u: The only comment I would have is to follow up on Jonathan Starr's previous comments about the drainage. I know you guys was going to come back on that. I know there's an increase, you know, 1%, and I hoping you guys can come back and give it a

decrease instead of a increase. I know that the cultural significance of this project is great and I feel that the water quality is at that same level or not greater. So I expect some comment from you guys later on. I don't know how it's done being we'd approve it now. I guess we're laying it on your lap and hoping for you guys to come back with some answers on that.

Ms. Cua: I think that would happen in the context of their compliance reports and working with Public Works on their drainage reports.

Mr. U'u: Would that be on Phase 3?

Ms. Cua: Well, again, going back to the process of this project district process, couple more things need to happen. They have a Phase 3 Project application that they have to go through which is basically approval of construction drawings. As part of the SMA permit they also have compliance reports that they have to give the department before getting building permits and before getting certificate of occupancies. And through the compliance reports they're going to have to indicate how they've addressed compliance with these conditions and that would be something that we would take a look at probably in consultation with Public Works.

Ms. Amarin: Any more comments or any more discussion? Dr. Iaconetti.

Mr. Iaconetti: One question. On the table we received a correspondence from the Director of the Department of Housing and Human Concerns stating that there was an error in the material that we had been reading over that the development –

Ms. Cua: Wrong project, doc.

Mr. Iaconetti: Oh, is this the next one? Sorry.

Ms. Cua: Sorry. It's coming up soon, we hope.

Ms. Amarin: Commissioner Hedani.

Mr. Hedani: Ann, the question on the 1% increase in the runoff from the project is that something that can be handled administratively or is that something that we need to condition at this point?

Ms. Cua: I don't believe it's something we need to condition. I mean, for us, we're going to defer to Public Works. I mean, they're going to be reviewing final drainage reports for the project and if it obviously does not meet the county's requirements it will get kicked back. So we're going to rely on the engineers at Public Works to assure that the project's



drainage plan complies with the county requirements.

Mr. Hedani: Okay, let me ask the question in a different way. If we were to direct the question to the applicant at this point and ask them if they are in their engineering expertise are they capable of insuring that the project runoff is not increased by an additional 1% can they make that commitment?

Mr. Hirano: Speaking on behalf of the project team on that. We discussed that internally and yes, we will be retaining within the project more than what has been generated from the improvements in the impervious material.

Mr. Hedani: So there'll be no net increase?

Mr. Hirano: So there'll be no net increase, yes.

Mr. Hedani: Okay. The other comment that I wanted to offer was that the fact that you're filtering all of the water coming through the parking lot and all of the petroleum products off of your parking lot is an improvement of the water quality generated from the project and that's a very positive step.

Mr. Hirano: Thank you. Yes, all the comments that the commission has made, I think we take that input very seriously and we really do want to comply with the spirit and intent of your comments and concerns. So as a project team I think we'll be internally reviewing those and doing and putting forward the best effort to meet the spirit of very comment and concern that was expressed so that, you know, this project can be something that every member who is associated with it can be proud of. Thank you.

Ms. Amarin: Thank you very much. Just want to say my own comments. I've been to the hotel since the early '90's. It's a great hotel, one of elegance. Many people will say that. You are such a big part of the community here and they look upon you to make it even better, and if you can, probably with your construction, maybe finish it up in October. Hire the people now to do the work and get those employees back to work. Thank you.

So with that said, so we have a motion on the floor and it's been seconded.

**It was moved by Mr. Starr, seconded by Mr. Hedani, then**

**VOTED: To Accept the Recommendation of Approval of the Phase 2 Project District Approval and the Special Management Area Use Permit with Conditions.  
(Assenting - J. Starr, W. Hedani, K. Hiranaga, B. U'u, W. Iaconetti)  
(Recused - J. Guard)**

Ms. Amarin: Motion is carried. Thank you.

A recess was called at 9:00 p.m., and the meeting was reconvened at 9:07 p.m.

- 2. 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)**

Ms. Ann Cua: Madam Chair, Members of the Commission, like the other application this project is requesting the same two permits, the SMA permit and a Project District Phase 2 Approval. The Phase 2 Approval is approval of the site plan. They will still need to get Phase 3 Approval which is approval of the construction drawings. And the reason why we're here is because again, the Phase 2 Project District process requires that the public hearing be held in the affected community plan region. How we want to handle this matter as we did with the other one is to have the applicant go through a power point presentation that takes you through the project, all its design issues and a couple of other issues such as traffic and drainage and then I'll come back and go over some other analysis with you, answer any questions that you may. Definitely get to the public hearing. We need to finish that tonight and then hopefully get to the recommendation before we have to conclude. Okay, so I turn it over to Bob McNatt.

Mr. Bob McNatt: Thank you Ann. Everybody got their bumper sticker, Lahaina Bypass Now. I've got just a brief one-hour presentation if you don't mind. No, hopefully we'll just a few minutes here to go through a lot of what you saw today during the tour in a little bit more detail.

I'm Bob McNatt with Maui Land and Pineapple Company by the way and we have a number of our consultants and staff here also to answer any questions if I can't answer them later on in the proceedings.

This is the project site. We have Honoapiilani Highway on the top of this map, and in the next slide you'll see it to the left. So I'll just try to get you oriented again. But the Office Road comes down right through here. Here's the Ritz-Carlton. Thank you very much for your approval of that renovation. I don't know if you saw in the paper but a couple weeks ago, we actually acquired a 22% interest in the hotel. So as part of our efforts to integrate the resort into one entity, we purchased part of the hotel. So thank you very much.

The site we're talking about right now is this location right here just off of Office Road. It's 40 acres, Project District 1, both in the community plan and the zoning. This is the zoning map and it shows an array of uses within Project District 1 including the hotel zoning where the Ritz-Carlton is. The VMX zone in this area which allows a variety of uses including residential and commercial. And again, this is the site, the 40-acre site.

Sorry for the change in alignment here, but that's the way it fit on this particular slide. We have again the Honoapiilani Highway to the left over here. Office Road is in this location. The Central Resort project we're talking about is here 40 acres, adjacent to it is the Pineapple Hill Subdivision, the Bay Course, the Golf Academy, of course, the Ritz-Carlton again down in this location.

The goals for this project really are to create what one of the testifiers earlier said would be the heart of Kapalua. It's a mixed use village with residential commercial, some activities, trails and so forth. And we also want to replace some of our old buildings that are dilapidated and really starting to fall apart that are left over from the plantation days. So we have the Village Center which is 74 multi family units and about 60,000 square feet of commercial space. The resort residences, another 122 multi family units and the trail system. The overall density that we're proposing is very Kapalua style it's about five units per acre.

This is a picture of some of the existing conditions. Right at Simpson Way and Office Road looking makai. You can see the old Village Club House down here where VINO's Restaurant is. This is Simpson Way from the same location. New trail that we have just recreated between the trees here along Simpson Way. Some of the buildings that we're going to be tearing down and replacing with the Village Center. This is the existing housekeeping in this – is in this building and the roof is literally melting away from the rust. This is Pineapple Hill Drive looking makai. So the Pineapple Hill Estates and Pineapple Hill is to the left and the project site is to the right. The view toward the north tip of Molokai across the site.

Wanted to go back a little bit here and just mention that back in 1968, the original master plan for Kapalua Resort was created. This is that plan and it shows in that circle right there about the same location, almost identical location of what we're talking about today for the Village Center what they called Festival Village at that time and it's interesting that this plan also shows all of this sort of yellowy color here is all residential, resort residential proposals and then there were three hotels proposed. This is about where the Kapalua Bay Hotel was. It's actually where Coconut Grove is, that's Kapalua Bay and the hotel was eventually created right there on the point. Then there was another hotel where Ironwoods Condominiums are now and Kapalua Place. There was a hotel proposed for that site on Oneloa Beach and then we have what eventually became the Ritz-Carlton was proposed at Fleming here and of course, it was moved back up the slope. It just gives you an

indication that there was a plan and it's evolved over time. It's taken a long time for us to get here finally with a plan for this Central Resort.

In 1978, there was another plan and we've been following this one a little bit closer I think. It again, had the hotel sites, but the interesting thing with this one is that we have the highway here, we have Office Road coming down here and this one contemplated and suggested that the best way to improve circulation was to, is to realign Office Road and turn it into Kapalua Drive as we're proposing and so this indicates, the green line there indicates what we're trying to do with that alignment. It also still shows the – the strange configuration of the one-way Kapalua Drive here that we're trying to correct many years later.

We've had a series of meetings over the last couple years, 10 specific community outreach meetings just for this project where we talked about this project in the community dating back for the last six, seven years actually. I've been out there meeting with all of our associations and presenting a very similar plan to this. It's evolved over that time but we've been talking about creating the Central Resort plan for a number of years. As long as I've been here and as you've saw with those plans that it dates way back.

The concept is to create a, essentially a core of a traditional neighborhood town, mixed use, retail on the first floor, some multi family on the second and third floors. We have a few third floors just to give scale and additional units to the Town Center to give that vibrancy. It's also in line with the original vision of the resort to create this festival village and we're integrating the existing commercial. You saw today the Phase 1 commercial across the street where Sansei and the La Pearl store is and also our vision center and sales office.

This is the master plan if you've seen it up on the board and saw it during the tour today. It includes the Village Center, the Pines, this is sort of a working title right now for this duplex project that's on the sloping part of the site although it's in line with our other names of the communities within the Kapalua, the Ironwoods, the Ridge, the Golf Villas, the Ironwoods, kind of in keeping with those. Then we also have Maka'oi'oi, the site of the Fleming Home that was also Pineapple Hill Restaurant years ago. And then we have on the most makai portion of the site the proposed multi use center and the replacement area for housekeeping and some of our resort offices, the administrative offices.

Quickly I'll go through circulation. As I mentioned, we're realigning Office Road and turning it into Kapalua Drive. You can see the – so the road, instead of going directly through here and creating really – it's actually kind of a raceway, it's fairly narrow but people still drive fast because it's sloping, it's probably a 10%, 8 to 10% slope. So people tend to drive fast down there. So we wanted to slow that down but we also really wanted to direct people into the village and take advantage of that two-way Kapalua Drive that's been planned for so long. And you probably also saw on the tour that the road that is supposed to go in the

northern direction was actually been graded in many years ago, it just was never built because the village hadn't been done yet, so now is the time to do it.

So you come into the village and you turn right, right here and go down to the Ritz-Carlton. About 70% of the traffic in the resort goes to the Ritz-Carlton. So the traffic will come in here and it will turn here, and go down to the Ritz. And the interesting thing about this also is that it's within walking distance of the Ritz, so a lot of the people going to the Ritz will have a chance to then walk back to the village and shop or get a bite to eat.

So we really cleans this mess that we have right now where you come in, there's a one-way street going this way. If want to get back out the other way you got to go up Pineapple Hill Drive and then back down Simpson Way. So a lot of our guests and residents frankly just go the wrong way on the one-way Kapalua Drive. My office used to be right on the corner there, so about five or six times a day I would see cars, luckily they're going slow because the roads are narrow but it would get dicey once in a while. So we're going to clean up that confusion.

This is the trail network. I apologize it's a little hard to see, but the blue lines there are dedicated pedestrian trails with the key one what we're calling Flemings Walk that goes right through the center of the site. Of course, this is all open to the public and then also the dedicated Pineapple Hill Road will become just a multi-modal trail for pedestrians, bicycles and golf carts. The orange lines here are the multi-modal trails so you can ride a bike on them or walk. I don't think we allow horses though, do we? No horses. So it's going to be very exciting as far as the trail system goes and it will, of course, connect the broader Kapalua trails that will eventually be about a hundred miles worth of trails.

Some examples of some of the details that we hope to put into Flemings Walk, permeable pavements and grasscrete and pavers and rock treatments to slow people down and also take care of some of the drainage onsite. We want to add some water features actually and some fun places for people to sit and contemplate the view.

The landscape plan really is built around preserving the mature pine trees along Pineapple Hill Road and also Simpson Way. Those were trees that were planted by D. T. Fleming and we're going to preserve all of those of course. And pretty much all of the, almost all of the pine trees on the site will be preserved. We think we're going to lose about 15 of them. There are some trees that are diseased that will need to come out, but for the most part we're going to save all of them and plant many hundreds of trees to replace what's being taken out. So we also have a couple of rows of pines up on Maka'oi'oi site that were planted by Fleming that will also remain and some old mango trees.

So D. T. Fleming or Flemings Walk is right through here it will be highlighted as we mentioned before some great detailing and planting and will be a very pretty place to walk.

You'll be able to walk up this trail and walk back down Flemings Walk back into the Village Center or vice versa.

So in the Village Center we're going to have as I mentioned earlier the commercial on the first floor, some lofts and flats on the second floor, the village green of course, and eight golf townhouses.

To get you oriented here, this is the Village Center. This is the Village Green over in here and it's right next to the second hole of the golf course, the Bay course. These are the Village flats, condominium units. And here we have the, what are we calling those, the Golf Town Homes. I guess there's eight of those. Then over in the retail center we've got the lofts or flats over retail.

So artist conception of what it might look like as you come into that turn in Office Road. Some of the old buildings here, we have of course, Maka'oi'oi, the Fleming Home and Honolulu Store. The architecture that we have been doing in the Village Center is very reminiscent of this design. We're going to be a little bit more eclectic in the next phase. This is what we've done recently. It's very similar to what you just saw. On the rest of it we're going to mix it up a little bit more. We're going to have, of course, the plantation style, the Kapalua style but we're also going to have a couple of other modified store fronts like the so-called cowboy store front like this one but still with overhangs and rich detailing and color changes that will interest to the center and make it a fun place to be.

The Pine Villas is that sloping site just above the Town Center or the Village Center. We're planning 72 duplexes, that small park at the top of the hill about a half-acre look out, Flemings Walk and then of course, Pineapple Hill Drive. So once again, this is Pineapple Hill Drive, the lookout park and the 72 duplex units. Sort of a dark picture of what that might look like. And a rendering of the elevation of one of the duplex units. By the way the height limit on the site, the entire 40-acre site is 45 feet and within the Pines units we're well within in the height limit, about 15 feet below it in most cases. And in the Village Center we're just under the height limit for a couple of the three-story buildings, but overall we're under the height limit by quite a margin.

Maka'oi'oi, we have 50 residences planned including what we're calling the Manor House which is sort of a recreation of the Fleming home right on the site of the Fleming house. It's a modern version of that and bigger because it's going to have more units in it. And then we have six other residence buildings and gardens and orchards and so forth. And once again, it's very low density at about five units to the acre. So there it is, the Manor Home is over here which is where the Fleming home used to be. The same entrance will be used. We've got some remote parking here and over in here. Then the units themselves will have parking next to them in these two locations. So these are the other buildings and then the Manor Home. ...(inaudible - changing of tape)... three stories with

two, three-bedroom units on the third floor. The downstairs will actually be some common area where there'll be a library and a common living room and a meeting room in case the owners would like to get together. It will feel very much like a large home. And then again, there's going to be very rich gardens planted around the Maka'oi'oi site and preservation of a lot of the existing trees.

We are also planning to do on the very makai end of the property that resort operation facility which will have housekeeping to replace the old dilapidated structure and some resort offices and a multi purpose facility very similar to our Hale Hokulani facility. I don't know if you remember what that looks like but it's heavily used within the resort for a lot of different reasons and this will replace that facility, only be nicer. That's the site there. This is the multi use facility right here, then this is the housekeeping and resort office facility.

So in summary we've got Village Lofts in the Central Village, at 48 units, the Village Flats, 18 units, Golf Townhouses 8, the Pine Villas 72 and Maka'oi'oi 50. So about a 196 units and roughly about five units to the acre overall for the site.

And then on the commercial side we have 61,000 square feet of commercial retail proposed. The housekeeping facility and administration is 10,000 and the community center and amenities like the pool room, the cabana and those kinds of facilities are 18,000 square feet. So for a total of around 89,000 square feet. By the way we have 45,000 square feet right now that will be taken out. So in this 89,000 number, about half of it is existing today and is just simply replacement. And of course, the rest of it is infill. We're basically filling in that heart of Kapalua that's been missing since the beginning.

On archaeology a study was conducted. They didn't find any precontact findings at all. There were some recommendations to preserve two rock walls and the pine trees along Pineapple Hill Road which we will do. One of the walls is along Kapalua Drive and the other one is along Simpson Way, so those are both to be preserved. They may need some repair work and there will be a preservation plan prepared and approved by the State.

Did a little view study at a couple points and we were very concerned because a lot of people have mentioned to us that they walk, currently walk up Pineapple Hill Road and get to the top and like to look out over the view. As we mentioned today, we are creating a small park up there. There'll be probably a rain shelter and then that's the top of Flemings Walk and you'll be able to look down at Honolua Bay as you can today. Also it will be oriented at one point down the way to Honolua Store as you're walking down that trail. This is from the lower angle looking through the trees and the Village Center.

We conducted a traffic study and essentially determined that this project has very little impact on traffic, surprise, surprise. At peak hour there's about a 3% effect on traffic. A 3% in Lahaina. And they also said that there's about a 3% margin in error in that study so,

figure that one out. In other words, the fluctuations in traffic in Lahaina are fairly inconsistent. I mean, it fluctuates a lot. So the impact of this project in Lahaina will be very minimal and of course, the more – the closer intersections to the project are affected even less through Honokowai. So the recommendations of the engineers were that we make sure we have proper turning radii and sight distances and adequate on-street and off-street parking.

We've gone beyond that of course, and we're continuing to support Lahaina Bypass Now and thank you for putting your bumper stickers on your cars. I got one on mine. We've already been doing quite a bit through Lahaina Bypass Now. We've spent a lot of money on it and we're continuing to support it. We've hired two full-time people, Theo Morrison and her assistant and they're doing a great job. We've been doing studies and hiring consultants and trying to make the public aware and I don't know if you saw the full-page ad on the back of Lahaina News last week but it was great ad encouraging people to use the bus system and telling people how to use it.

On top of that, we're proposing a voluntary condition on this project, \$3,500 per unit for the residential units and if for some reason the Council adopts something before we pull building permits and it's higher than that then we'll pay the higher fee based on Chapter 14.62. So we're offering a condition that assist with regional traffic improvements and we'd like that money to stay in the west side.

Drainage, we have an existing detention basin down here on the sixth hole of the golf course. Essentially all of the drainage from the site up through here goes to that, eventually gets to that retention basin. Good news is that we're going to be adding more detention facilities within the site and there will be a 5% reduction in the storm runoff from the site to that detention basin at the bottom of the hill.

That concludes my presentation. Thank you for your time and we would hope to have your support.

Ms. Amorin: Commissioners any questions to the applicant? Commissioner Iaconetti.

Mr. Iaconetti: Bob, as I understand it the Office Road is not going to be removed in any part of it is that correct?

Mr. McNatt: The only part of Office Road that will be removed is this piece right here so that we can realign it there. Office Road will remain but it's just going to be turned and become – turn into at a "T" intersection here into Kapalua Drive. So yes, it stays in place. It just shifts a little bit.

Mr. Iaconetti: Most of the complaints that I've heard is that we are now routing the traffic



through that Kapalua Drive rather than letting them go up Office Drive as they've been doing for years. Is there any way you can maintain Office Road to take the brunt of the traffic?

Mr. McNatt: In fact that's how it's going to operate. As I mentioned before, about 70% of the traffic coming into the resort goes to the Ritz-Carlton. So it's going to come down here and it's going to turn at this intersection here and go down to the Ritz right there. So the bulk of the traffic will continue to go down Office Road. We're also going to put restrictions on Kapalua Drive for heavy vehicles. Large vehicles will not be allowed to use Kapalua Drive.

Mr. Iaconetti: But the garbage trucks –

Mr. McNatt: Well, they'll still have to go up there otherwise people are going to have a lot of garbage. So they're still going to have to go up there and service the Golf Villas for instance, but they won't – garbage trucks don't come down here unless they're picking up garbage. So they're going to have to go there in any event. But other trucks, construction trucks, anything not related to the Golf Villas residences will have to go down Office Road to the lower road.

Mr. Iaconetti: And take that little kink in the road?

Mr. McNatt: That kink in the road – yes, they'll take that kink in the road, yes. It's a very lovely kink in the road.

Mr. Iaconetti: That has apparently been the biggest complaint that I've heard of that Office Road is not going to be maintained a thoroughfare and it would be nice –

Mr. McNatt: It in fact, will be. It will be a nice road essentially what it is today.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Yeah, I have several questions. Let me start one. There's this structure that you're planning to put on Office road. I believe you call it a welcome station but it really looks more like a guard shack to kind of intimidate locals who might want to go in here. Can you explain what that's about?

Mr. McNatt: Yes, we are proposing to do a welcome station right there. We're doing that for a couple of reasons. One, we have a lot of people that when they turn into the resort, they turn into the Golf Academy and ask where they have to go, where they need to go. They're lost, so it's going to be a place where people will, if they're visiting, will be able to stop and ask questions and directions. There won't be any gates or anything like that. It

will be someone who will be able to help people as they come into the resort. It will also slow down traffic as you're coming into the resort at that location.

Mr. Starr: But it still will be like a little kiosk in the middle of the road with a security guard standing there talking with the people who drive in, right?

Mr. McNatt: It won't be a security guard. It will be basically a greeter. They'll talk to people if they stop to ask them a question.

Mr. Starr: I don't know, sure looks like a guard shack to me. I think you're building a prison here.

Mr. McNatt: No, we're not. We're definitely not building a prison.

Mr. Starr: Trying to keep the inmates in or out. Okay, I don't think that that really is an attraction to this and I know you did have some letters saying that if you did want to put such a facility in, it should be off the side of the road with a little pull off where people can stop and ask questions rather than being something in the middle of the road. Is that something you're willing to do? Because I know there was quite a number of comments to that effect.

Mr. McNatt: We could look at that. I know the Urban Design Review Board also suggested that.

Mr. Starr: Yeah, what does that mean, we could look at that?

Mr. McNatt: Well, we still think this would be the best solution.

Mr. Starr: You have to have the guard shack in the middle of the road.

Mr. McNatt: Well, it's not a guard shack, it's a greeters station and we think that would be, we think that would be the best solution but we can look at shifting it to the side of the road.

Mr. Starr: Okay, now let me ask another question. I'll just kind of cut to the chase on this one. Are you willing to adhere to the current workforce housing ordinance and fulfill your civic duties in that regard?

Mr. McNatt: Yes, we'll comply with the workforce housing bill.

Mr. Starr: Okay, now many of the developers on Maui are little bit forward thinking and they're trying to add green content to their projects and the most simple cost-effective way is of doing that and it's something that even goes in our standard conditions is using energy efficiency in terms of design and using solar hot water and you know, there's a state of the

art air conditioning and so on. Are you willing to commit to utilizing these systems in all the things that you're going to build in here?

Mr. McNatt: Well, you know the most important aspect of this project is that it's an essentially compact design with mixed use, traditional neighborhood design which encourages people to walk. We have the retail uses in here and residential within walking distance. So people don't really have to use their cars when they get to the Central Resort area. People at the Ritz-Carlton for instance will be able to walk up here. So the walkability part with the trails and the compact nature of it in and of itself is a huge plus for energy conservation. The other thing is that we have a resort shuttle system that currently carries between 18 and 20,000 people a year that will be available to everybody to be able to get to the Village Center within the resort.

Then we have as far as green goes, we've got the retention system that I mentioned before this that would be retaining more water than this project creates and of course, about 60% of the site continues to be open space because of the compact nature of the design. So we're going quite a ways down that road just from a land use planning perspective.

Mr. Starr: So the answer is no, you intend to be energy hogs is that it?

Mr. McNatt: No. I didn't say that.

Mr. Starr: Well, I'm asking you to commit to energy efficiency and solar hot water and efficient air conditioning plans and design, you know, as per – we have conditions that generally state you know, that as an objective, but I'm asking you to commit to them as a specific and be part of the solution instead of part of the problem. Is this something you're willing to do?

Mr. McNatt: It's interesting because we are exploring alternative energy systems and I haven't heard about the efficient air condition units that you were mentioning. Is there an example that you have out there that you've used or that you can recommend?

Mr. Starr: Well, I'm looking at page 5 of the recommendations. I know I'm kind of jumping the gun to go there, but these have become the standard recommendations, and that is, that appropriate energy conservation measures shall be incorporated into the project and the wording here, which may include, but I'm looking for you to go further, which may include but are not limited to energy conserving building materials, solar water heaters, state of the art air conditioning systems, photo voltaic systems, I would not ask you to commit to photo voltaic systems because it's a long payout. Solar hot water systems is less than a three-year payout. A lot of developers don't want to do it simply because the, you know, the developer pays for it but it's the people who live there who gain the payback in less than three years. But it really makes a lot of sense. So anyway, that's what I'm

asking you to commit to is instead of may, that you will use the appropriate energy conservation measures including energy conserving building materials, solar hot water heaters and state of the art air conditioning systems.

Mr. McNatt: Well, I don't know anything about the air conditioning systems. We haven't had a chance to analyze that, and I don't know of anybody that is using them on the island. If you could tell us that we could look at that. But as far as the building materials, we're already doing that. We're with our Village, we used sustainable woods, recycle carpeting, energy efficient lighting systems and we're very interested in doing that with all of our projects. And we are interested in doing solar hot water.

Mr. Starr: Are you willing to commit to solar hot water?

Mr. McNatt: For the residential portion of the project, yes.

Mr. Starr: Yeah, the residential including the multi family?

Mr. McNatt: Yes.

Mr. Starr: Okay, thank you. That's it. Very good step in the right direction. Let me let someone else go for a while.

Ms. Amorin: Commissioner Starr, yes. Thank you very much. Commissioner Hedani did you have a question? I'm sorry, Hiranaga, you both have "H," I'm sorry. Am I getting tired? Go ahead.

Mr. Hiranaga: I guess public testimony, having concerns regarding the realignment of Office Road and renaming it to Kapalua Drive. You stated that 70% of the traffic goes to the Ritz-Carlton?

Mr. McNatt: That's correct.

Mr. Hiranaga: So I'm just looking at the intersection which is labeled 6, I guess, and you're going to have appropriate signage so people don't miss that right turn because it doesn't look like it's a major intersection here, a major turn off.

Mr. McNatt: Yeah, that will be sort of the main street intersection in the town and there will be a monument sign that says Ritz-Carlton to your right, and the greeter will also tell people to go to the right when they get down there.

Mr. Hiranaga: The second question I guess and this may be for one of your consultants but I was looking at your traffic study, you're indicating an increase of 49 trips in the morning,

190 trips in the p.m., and they said that this will not have a significant impact on the traffic. I guess I'm just wondering, you know I haven't been on the commission for very long, but every report by itself segmented, says there's no significant impact to traffic on the west side. When cumulatively does it become a significant impact? I mean, there must be a finite capacity to Honoapiilani Highway and I'm just wondering if someone knows what that finite limit is and when will that be reached. So it may be a question for your traffic consultant.

Mr. McNatt: Yeah, I do know that the traffic study studied 13 different projects and came up with those numbers. So, they didn't contemplate the highway being at capacity. In fact I drive it several times a week and seem to get through Lahaina very easily. There is a slow down at rush hour in the afternoon and on Saturdays when people come back from Costco and the timeshare units change and there is a lot more traffic on the highway. We all know there is a lot of traffic. That's why we're supporting Lahaina Bypass now and trying to get people into the bus system.

I also heard tonight from the Ritz-Carlton presentation that they are actually reducing traffic by 44 trips at peak hour which I thought was interesting because we're adding 44 trips so that's a balance out between the two projects.

Mr. Hiranaga: Is your traffic consultant present?

Mr. McNatt: No, she's not. But we could answer more detail questions if you like. I have our own engineer on staff here that could answer detailed questions if you have any.

Mr. Hiranaga: My question again is, you know, the statement is that it's not a significant impact. So what would be considered a significant impact, 250 trips, 300 trips?

Mr. McNatt: If you changed more – what that study said was that there's about a 3% change in the traffic at peak hour from this project. That's not significant especially when you consider that the fluctuations in the traffic are so great that that 3% disappears. So it's simply not going to affect the highway, that's what they're saying.

Mr. Hiranaga: But when would the consultant deem it to be significant? At what numerical of trips.

Mr. Cliff Smith: I think I can kind of help explain the concept. Hi, I'm Cliff Smith, project manager for the project. I apologize our traffic engineer could not be here tonight. I think conceptually our engineering staff looked at or engineering consultant looked at the five intersections from Honokowai north up to the highway intersection of Office Road. They used a level of service sort of methodology to look at the change in level of service based on the trip generation and those were the numbers you quoted. What's interesting when

you look at level of service, you have kind of a passing report and failing report. You have from A to F. So if you get a C you're kind of mediocre or a D. E actually in a traffic report exists, well, in your report card, E does not exist. So what's interesting is at each one of those levels you're expected to have a certain delay. So at level of service A, for a signalized intersection and for an unsignalized intersection you're expected to wait between zero to 10 seconds. When you wait 11 seconds, you slip to a level of service B.

What the engineer studied and looked at based on a trip generation and based on current distributions at every single intersection, those five major intersections, the level of service although the traffic increased, it did not slip to the next level. And they used modeling techniques and software to determine that. So if it exists at a level C currently or with the other 13 projects and then you add our project and basically it's going to stay at the same level is what the engineer determined and that's for those five intersections, Honokowai north.

For the Lahaina, the impact to Lahaina, they did not use the level of service sort of methodology because there's so many intersections, DOT even recommended this is beyond your scope to determine what your project's doing to Lahaina. But what they did try to do is extrapolate using a different technique where they used existing West Maui commuter travel patterns basically based on two surveys that were conducted in West Maui, one in 2003 and one in 2007 they determined that roughly 33% of the people commute from Central Maui over to West Maui. So one in every three cars. What the traffic engineer looked at was based on our trip generation specifically p.m. peak, the higher number basically taking that 33% and applying it there, they assumed that there would be about 77 vehicles increase in traffic volume entering and exiting Lahaina. So they tried to come up with an impact based on current existing traffic patterns which they felt was conservative. That's where the 3% to Lahaina comes from and that's within existing travel patterns and I think, you know, we all realize if you add units and you add space, you're going to add traffic and that's I think we are involved in Lahaina Bypass and recognize that we wanted to make a contribution up front even though it's not a requirement of \$3,500 per unit. We felt that, you know, we are having an impact and want to do our part. Thank you.

Mr. Hiranaga: Madam Chair, may I just continue on explanation of the chart on page 29?

Ms. Amorin: Yes Commissioner Hiranaga.

Mr. Hiranaga: So you're saying that A is good, D is bad?

Mr. Smith: Well, A is classified as you wait from zero to 10 seconds at the intersection. B is a different level, I think it's from 10 to 20 seconds. C is the next the level. D is 35 to 55 seconds. As you keep going down, you know, a level F, you're failing. Level C or d is

mediocre, level A is kind of smooth sailing.

Mr. Hiranaga: The report's saying that you're at D but you won't go longer than D.

Mr. Smith: Right, it's looking at it without our project but analyzing it with all the other projects that are going on in West Maui such as Honua Kai, several other projects. So if it's without our project it's currently at level D, with our project it will still be at level D. So even though there may be an increase of delay of a few seconds, it doesn't drop it down to that next level of service which would be worse under that scale.

Mr. Hiranaga: Thank you.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Thank you Chair. In the – this is actually for the Chairwoman, I have a few comments but I also have – in the past I've gotten a lot of questions from the general public on the public hearing, I don't know if we should see them just because it's starting to get pretty late, to let some people go home and we knew what we were getting into, not everyone here knew they were going to be in for a four or five-hour meeting?

Ms. Amorin: Yes, absolutely. Thank you all of you out here who has come to listen to these agenda items. And so because it is getting late, I will take this opportunity to open up the floor for public hearing on this agenda item. And the first person I will call at this time is Mr. Brenton Reeves.

**a. Public Hearing**

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

Mr. Fred Betler: Thank you. I'm Fred Betler. An owner, my wife and I at Kapalua Golf Villas and I'd like to address a couple comments on the Central Resort project. Concept, I think it's a great concept, it's a great idea. My concern is the change in the alignment of Office Road. I've heard of traffic studies. I question whether the traffic study was done with the reduction of the number of rooms in the Ritz Hotel. Secondly, did they take into account the traffic in the Golf Villas, did they take into account the number of traffic coming out of the Bay Hotel complex that is being developed.

As an example, just today on a unrelated project, but I stood in the drive or the road going up to the maintenance facilities and within 20 minutes just six Kapalua vans and trucks went by. Now I know the concept of changing Kapalua road as the main entrance is going to bring all the traffic into the resort into the town center. In theory, only the stuff going off to the Ritz will turn off and supposedly all the heavier vehicles are going to turn off and go

down the jog in Office Road. Human nature is going to take the shortest route. The shortest route is up Kapalua Drive to service anything from the Sea House Restaurant in Napili Kai Resort which already cuts through Office Road and over, it's easier than coming up the lower highway.

The other concern I would have would be with that jog in the road and the stop sign in town and hopefully we're generating foot traffic the concept within Kapalua, what about emergency vehicles getting into the Ritz, coming into town, getting stopped going in. Major concern basically is the amount of traffic going to be generated that's going on Kapalua Drive through basically residential area where currently it goes down between a golf course and open land and does not affect residences as such. Maybe a little bit to the point, the concept is good, the traffic concern is a problem. We see nice plans but maybe just sort of a closing. I remember when the telephone company wanted to put a pole for transmitting— assist getting better cell service, and oh it's going to be hidden by the pine trees. Now what is said and what is done, if you've looked at that pole, it's entirely not hidden by pine trees but stands out as you go by the Bay Course. I'm concerned that some of the things here that are said, are not going to be done the way they're said. Thank you.

Ms. Janice King: My name is Janice King and my husband, Allan and I own a Bay Villa and we live here on Maui full time. And I share a lot of the concerns about development on Maui but in the case of the Central Village that they're developing for Kapalua Resort we really support the development because we feel it incorporates a lot of things that are really important to foster a community. It's a walkable plan and it encourages sort of a heart and soul for Kapalua because it encourages walking around and it means you don't have to get into your car all of the time. You can stay at Kapalua.

We also like that they are really taking a mindful attitude toward preserving a lot of the beautiful view planes and they're adding walking trails and I'm sure you've seen the extensive walking trails in the Central Resort development. It's going to incorporate a lot of that walkability into it. And it's also an open space plan so we all talk about how much we want open space and it's presented to us here.

So again, we're owners there and we live here full time and we're in support of the Central Village. Thank you.

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

Mr. Brenton Reeves: Good evening. My name is Brenton Reeves and I've been the Director of Retail at the Kapalua Resort for almost two years now and a Maui resident for nearly four years. I support the Village at Kapalua project which I feel offers numerous benefits to our resort, our community and also to Maui County.



This Central Village component has been absent in our resort for years. We have learned that our visitor has been asking for a wider range of shopping and restaurants as our guest surveys showed that we've ranked very low when it comes to not having enough variety of shops in their eyes. One facet of the new village design will be to meet the needs of our guests in this arena.

Besides the two golf shops, we currently only have three other retail outlets on the resort which is dwarfed by the other Maui resorts such as Whalers Village and the Shops at Wailea. While we're not trying to even come close to matching the same level of these centers, we are looking at giving our guests more options. We are committed to design preservation by protecting the same historic plantation architecture rather than structures that are not in keeping with our Hawaiiana communities. Our recent building constructed here at the Vision Center constructed next to the Honolua Store captures this same plantation design essence and this fits perfectly with our island resort environment.

Also the Village at Kapalua was looking to use sustainable components to insure against environmental degradation. By introducing low VOC paints and carpets, double hung windows for better ventilation and low flow bathroom facilities for water conservancy.

With development of the Village at Kapalua we anticipate the creation of additional jobs, possibility of new businesses and the generation of added tax revenue for Maui County. Our true overall benefit that resounds throughout is that the sales and revenue that produced on Maui will stay on Maui.

I understand the concerns from any new product and project with the thoughts of additional stress to our current environmental fabric. One concern that our company has heard and has addressed is that of traffic. Our development group exercises smart growth planning and design development through studies that measure these influences within the resort and as well as neighboring communities. I feel that the design of this new infrastructure is not only needed but is necessary.

Currently we have two one-way streets on the resort and right now Kapalua Drive is a one-way street which leads to the lower road. From my office I continue to see cars trying to go back the same way they came in resulting with our guests in creating potential hazardous situations by them facing the opposing the traffic. To resolve this, the plans call for Office Road to curve gently into Kapalua Drive as you heard earlier which will become a two-way street and will greatly improve the circulation and vehicular traffic flow.

A recent addition to the resort were the sidewalks for our guests along Simpson Way and also along Kapalua Drive. These have been used extensively and on a daily basis. The experience from our visitors and their use further validates our decision to enhance pedestrian use in this project which in turn equates to less cars.

Also the lack of broader variety of retail shops and restaurants –

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

Mr. Reeves: The shopping and dining which compounds the amount of cars traveling east bound throughout Lahaina. This design of the Village will better help to keep our guests to remain our resort by giving them more options. I encourage you to envision how this product will create a vibrant resort community shared by a transformed neighborhood village that can only be found at Kapalua. Mahalo for your consideration.

Ms. Amarin: Thank you very much. Any questions Commissioners? Thank you Mr. Reeves. We have any other individual who wants to come up to speak on this agenda item? Seeing none – we have one more. Please state your name.

Ms. Laurie Lowson: I do have a question –

Ms. Amarin: Please state your name.

Ms. Laurie Lowson: Laurie Lowson. I'm a resident at Kapalua Golf Villas. I am against Kapalua Drive becoming the main entrance into the resort I will say that for sure. I think Office Road should remain as it is and handle the bulk of the traffic. Kapalua Drive has been made even narrower than it was before by adding the sidewalk in there and it's extremely difficult to drive up it at night. We didn't see that today on the site tour. Oh well, but it is extremely difficult to drive up Kapalua Drive at night at this point past Pineapple Grill up to the Golf Villas.

I do have a question for Ryan however. In number 3 on the agenda it says, a 15-lot, large lot subdivision is this part of the Central Resort or is this something else that is added in outside of the?

Unidentified speaker from the audience was inaudible due to not speaking into a microphone.

Ms. Lowson: So a 15-lot, large lot subdivision. So that's the whole parcels. Okay, I just wasn't clear on that. Thank you.

Ms. Amarin: Thank you. We had a gentleman in the back there and then you will follow. Please state your name.

Mr. Wayne Cochoran: Hi, I'm Wayne Cochoran. I worked at Pineapple Hill for 25 years and then one day I noticed that they just mowed it down and it was gone. That was a very historical house at that time. There's really a lot of mana on up on that hill. To say that

there's no historical sites up there in a – Maka'o'i'o'i means sharp eyes. When Fleming named it that, you know, it was a lookout area. I'm sure the chiefs – it was major battle areas around there. I'm sure there's a lot of historical things up there.

I have a question for Ryan. How many people would be living in that new neighborhood total? Have you figured it out?

A lot of times we see all these proposed developments and you see, a little bit here, another one here, another there. You never see the total altogether. You know, how's this going to add up with the next one? The next one up the hill, the next one over the valley. You guys know how many people would be living in those units?

Ms. Amorin: Wayne, could you just do your testimony with your comments?

Mr. Cochoran: Yeah, well I just wanted to say consider all this kind of things. You know, it was a smooth presentation but there could be a lot of definitely historical things on that hill, you know, besides, people – they have an expert that says there isn't. I'm saying that is one of the major lookouts in the area. So there's a lot of things to weigh with keep adding more developments and more developments and the traffic is 3% or you know, the old road used to go along all the way out to Honolua and then all of a sudden when Ritz-Carlton came it got cut off and you have to go about five miles around to go up Office Road and all the way around seems like five miles to me. But that was the old road. It was fine. We lost that. We had to do this big major bypass around that area which is kind of a nuisance. It's going way out of your way.

Another thing if you come down Office Road and there's going to be an information booth, the lower road comes up and out that way, that's a major way to in and out. Information booth is just going to stop more stop traffic, more stop traffic. That should definitely be off on the side. Thank you for your time.

Ms. Amorin: Thank you very much.

Ms. Lori Dixon Betler: My name is Lori Dixon Betler. I'm an owner in the Golf Villas. I come to you just as a homeowner. I noticed when you did the site you didn't show the golf course on there when you did the first site plan.

Ms. Amorin: Lori, you're there to do testimony not to direct questions to the applicant.

A recess was called at 10:02 p.m., due to a loss of power to the electrical outlets, and the meeting was reconvened at 10:07 p.m.

Ms. Amorin: We're doing public testimony. Ms. Lori Dixon.

Ms. Lori Dixon Betler: Am I on? Can you hear me? First of all I'm total favor of the Central Resort. I think it's a great idea.

Ms. Amorin: Lori speak into the mike.

Ms. Dixon Betler: My only disagreement is that 70% of the traffic goes to the Ritz. That might be before we had the Kapalua Bay Residences and everything going that direction. So I just – you know, at least tell me this is how it's going to be, don't try to butter it up. We're going to have more than 70% of the people are not going to the Ritz, I can tell you that. So they need to go straight down Office Road. That is the biggest objection because now you're encircling the Golf Villas with this huge amount of noise that you never had. And when you bought in there, you had a 188 families, you look to see what roads are going to be there, what road is there now, you know, maybe Kapalua Drive was going to be there, fine. But you never thought they were going to take Office Road and change it. And look at the change, it's a huge change. It is not a straight road. If you want people to come into a shopping center, you want them to drive by the town. So that is, and my question is I don't believe the 70% issue and I think the noise is going to be louder than you anticipate. Plus on Office Road it's pretty flat or it's gradual. When you do the Golf Villas, now we don't really know how they're going to do the roundabout or whatever and they haven't showed it, but it's pretty hilly going from the Golf Villas down to Lower Honoapiilani Road. What I would just offer to all of you is that you come out and literally count the cars. Count the cars on what's happening now, add that we're going to have a 150 more people alone in the Kapalua Bay Residences, you know, 24/7. Anyway, so that's you know, on Exhibit 30. Office Road is pretty much gone that bottom half. Anyway, so that was my only objection. So I would hope you guys would reconsider. Thank you.

Ms. Amorin: Thank you. Any other individual out there who wishes to speak at this time on this agenda item? Seeing none, public testimony is now closed. Ann Cua.

Ms. Cua then went over the analysis of the Maui Planning Department's Report.

Ms. Amorin: Commissioner Guard.

Mr. Guard: Okay, regarding affordable housing, there's so many exhibits here.

Ms. Cua: I know.

Mr. Guard: It says 2.96 in the last one we got.

Ms. Cua: Correct.

Mr. Guard: But there's two different codes or there's amendments and then he said they're

going to follow the bill, but I guess just to clarify, what does that mean? Or which one are we going on?

Ms. Cua: The 2.96.

Mr. Guard: Well, okay. Then –

Ms. Cua: If you notice the letter that you got tonight from the Housing Division supercedes the last letter that you had gotten.

Mr. Guard: Okay. Then on all of these like agreements that are floating out there are there any tentative agreements with DOE, affordable housing, even I mean, parking for that matter?

Ms. Cua: Okay —

Mr. Guard: Well, all of them talk about like at building permits but a lot of other projects that come in front of us have met with these people and said, oh this is what we're going to do for DOE instead of there's a potential agreement out there. Is it going to be one computer for every island or one computer for every school?

Ms. Cua: Okay, lets take Department of Education. You deal as in your role as commissioners with DOE in two separate ways. One is when they come to you in their letter and say that they want you to impose a condition if you approve the project and it's their standard fair share contribution condition and that's what we're dealing with in this project. But you also know that in some projects because of the nature of that project lets say it's just an SMA permit, the DOE comes forth in their letter and they say, we do not require a fair share contribution condition in those permits. What the department does normally in those cases is we talk with the applicant before we come to you and we say we know that this is what the Department of Education is saying and we can come before this body and tell you that this is what is being said. However, you may want to consider working with a school in your area and see if you can help out a particular school. And so you've seen that kind of condition. And again, that's when there's no recommendation from the Department of Education to impose their fair share contribution. And then that way the applicant works directly with the school. Does that answer your question?

Mr. Guard: It does, and I've seen it in the past where it's like down in Kihei that no one's required to but they come up and say this is what we're going to do.

Ms. Cua: Right.

Mr. Guard: I don't know if there's any potential so we know of like a minimum amount of

what Nahienaena could be expecting or for the upcoming year.

Ms. Cua: Well, DOE has a formula, what is it, it's a thousand. How much is it per unit, \$1,200 or \$1,500. Around \$1,200 per unit. They have a standard amount. So with a condition like this, they're going to be – they're going have to pay a fixed amount, whatever is determined by DOE based on their pro rata contribution or pro rata – excuse me, based on their per unit fee.

Mr. Guard: Okay. I've got a couple more that I was –

Ms. Amorin: Commissioner Guard, go ahead.

Mr. Guard: Regarding traffic, this was a – because of this village concept similar to the bill that they're proposing for traffic, it looks like there's one per about 400 feet of commercial area after you take out the two per units say. Is that about right, from parking?

Ms. Cua: Are you talking about parking or traffic?

Mr. Guard: Oh yeah, I'm sorry, parking. I was looking at the traffic put the wrong one out there. Is there – the idea is, you're trying to get everyone to walk there, correct? So even today at the site visit there's some pretty big parking lots that are empty, right? But because of the current parking requirement you're going to have this huge parking lot. So I don't know is there a way – well, 600 stalls off site parking is there a way to – and the idea is you're trying to service existing owners. So I don't know if there's a way to either keep like a grass field that is available for overflow parking. But if the concept works, we don't need to have all these extra spaces and if it's not – if the village concept isn't working we have land set aside to increase asphalt instead of being able to keep – I mean, all these parks, I don't know, I go to Keehi Lagoon, once every other year on Oahu and real small parking amount but when they need to, they have all this grassy field that they let people go onto and have people there to park. I don't know if that's a option just to, I mean, minimize the human footprint of asphalt.

Ms. Cua: I can tell you that the applicant's answer is going to be definitely yes if they were in control of that.

Mr. Guard: Well, and your concern as well Ann. I mean, I know they would want to, but –

Ms. Cua: And I actually agree. I agree, and I think the department agrees the challenge we have right now is we have an existing code that requires "x" number of parking spaces use. But we are also looking at mixed use parking ordinance which would allow that kind of flexibility in parking. I don't know if by the time they develop that project that parking ordinance would be in place, but if it is, then obviously they'd be able to take advantage of

that.

Mr. Guard: Okay, well as it's set aside even if it becomes just a open field for potential family's kids to play in but just not to have another parking lot. That the idea is that it would become obsolete.

Ms. Cua: You know, again, the problem for everyone right now is when they go in for building, when anybody goes in for building permits, you have to show your required parking and it has to be paved parking. You know, I think for certain kind of uses you can do some grass parking. I think it's only for hotel you can do some grass parking but for the most part you have to do paved parking.

Mr. Guard: I'll let some other people go.

Ms. Amorin: Commissioner Iaconetti and then Commissioner Starr.

Mr. Iaconetti: My concern is the traffic. You said that 90% of the cars are going into the Ritz? Is it 70% of the cars? Is that just coming off the highway?

Mr. McNatt: 70% of the traffic is going to the Ritz-Carlton whether it's from the highway or the lower road. Most of it is coming from the highway.

Mr. Iaconetti: I have a – I realize I've said this before, I have a hard time believing the traffic people with their surveys. As you know, I live along Lower Honoapiilani Road and the only thing that made me do this was that my dog had to go out and relieve herself which took eight minutes and in eight minutes between 2:30 and 3:00, I counted a hundred cars. This was on a weekday, not a peak hour. I did this on other occasions and the count was pretty similar each time. There's an awful lot of traffic going down Lower Honoapiilani Road now and my major concern is what are we doing about the traffic. I can't believe that these are just, you know, level of whatever D and one of them is E, they've got to be a lot higher than that. And when these people are taking their counts is beyond me because this was between 2:30 and 3:00 that I took my count on several occasions and the time was determined by my dog, but the count was real.

Mr. McNatt: May I respond to that Madam Chairman? Our survey was actually a little more scientific than having a dog go out there. We actually did a 24-hour traffic count by the traffic engineers. So they counted traffic over a 24-hour period and then they determined what the distribution of the traffic is and that's how they came up with the 70% of the traffic in the resort was going to the Ritz-Carlton. So it was a scientific or a study based the empirical evidence.

Ms. Amorin: Commissioner Starr.

Mr. Starr: Thank you. You know, I do have a couple of questions for some of the different consultants including water. I don't want Jeff to fall asleep back there but I do want to support doc's comments about the traffic. I don't believe any of the recent traffic surveys we've gotten and I really think that the only way to deal with that is we're going to have to move to a mechanism where the traffic consultants work for the County or work for the commission instead of working for the developers because this isn't working.

But first of all, Ann, I have a question for you here. Now say you have a icon incredible scenic beauty that's known all over the world and I really think that Pineapple Hill is in that category. I mean, to me that's one of maybe four or five scenic vistas that really represent Maui. Since I first was a teenager on Maui 40 years ago and looked up that hill you know at the pine trees and Pineapple Hill, it was just one of those places that was just drop dead gorgeous. And looking up and then also when you go up there looking down, it has the same thing. It's almost a mystical type of thing. Even the name – relates to the incredible view. When you're up there you feel like an owl and when you're down below, you know, you're looking at something really special. You know, but lets distance our self from it for a second and lets say we were talking about say Lao Needle or Diamond Head or some place like that, and looking at the SMA regulations there are two items, Item A and also Item K in the SMA use permit, in the very basic part of what's allowable in an SMA. We're looking at page 3 in the report and I'm sure we're all familiar with that. Now if something is, you know, just irreplaceable but you're looking at a project that's going to completely alter and destroy that scenic view and that's one of the things that makes a place, you know, it's perhaps this makes Maui. How would that relate you know, to A, involves an irrevocable commitment to loss or destruction of any natural or cultural resource, or K, substantially alters natural land forms and existing public views to and along the shoreline.

Ms. Cua: When we analyze impacts of a project based on all of the SMA criteria, you know, we look at a number of things and in the case of preserving to and along the shoreline and the law doesn't only provide for views to the shoreline, it also provides for mountain views as well, you look at a development this proposed on the site and you look at how are they attempting in their design to maintain these view corridors to protect the natural and cultural resources. And In this particular project we all stood on an area where this plan is trying to do just that, they're trying to maintain that I guess, Pineapple Hill open space area that would provide view corridor directly down towards the ocean and maintain that. And you saw at the site visit a rendering of, even though there's going to be units below the lookout, how that lookout is going to still be able to maintain the view corridors. And you know, SHPD, State Historic Preservation Division came out and talked about the importance of preserving those pine trees that exist, those majestic pine trees that we saw today as well. And I think the applicant told you out of, I don't know how many hundreds exist today, I think they're looking at removing maybe 15 to make way for this project. So these are things that we look at and we analyze in terms of how are they able to address these impacts and I think we've actually gone over some of that.



Mr. Starr: Yeah. I mean, standing up there, you know, I saw they're trying to create a little chute, you know, where you can kind of look down and see the ocean. But what I experienced up there was that you know, there was this little tiny area that was going to be, you know, kept mowed and it extended maybe 30, 40 feet and then beyond that were going to be two houses that were going to stick up and just about block all the view. And then looking from down below, looking from the shoreline up, I mean, yes, the trees will remain but their majesty will be gone. There'll be a network of roads all over the place and all kinds of ticky tack houses and I just think that, you know, we're losing something really important and I don't see any amelioration for it. You know, I'm just looking for confirmation from you that if, you know, that members of the commission feel that something of great importance is being, you know, irrevocable act, excuse, irrevocable commitment to loss or destruction of a natural resource for example, then that would be criteria for denial.

Ms. Cua: And if that's where the commission is going then definitely you'd want to make that finding of – you'd want to make that finding because the department has tried in the report to make findings that are consistent with the criteria SMA law and so maybe it's just looking at it differently. I mean, even the development of this project at five units to the acre, you know, that allows them to have a lot more open space in this project than many other projects that you see as well. I mean, the siting of the buildings are important, how they work with the natural topography, I mean, all these things we look at and you look at when you analyze the project. How they're going to handle the runoff, you know, what kind of mitigation measures are they going to incorporate into their design? So that's what we try and look and look at when we analyze but you know, definitely if the commission feels that you know, there are going to be cumulative impacts then you would need to make that finding if you're looking at, you know, coming up with a recommendation for denial because you need facts to support that.

Mr. Starr: Yeah, you know, my feeling is you're right with that. If they were siting it in such a way that they were clustering and creating a real mixed use community down below where the commercial is and then leaving the view plane I would feel supportive. But you know, it's difficult this way. I love mixed use projects, but I think this is a difficult expression of it. I want to ask about water. I want to ask how much this is really going to use because I don't really trust the figures in here as far as the acreage and I'd like to ask what the water resources are, where the water's going to come from and how much is available in the system?

Ms. Cua: Are you asking me or you want to see –

Mr. Starr: No, I believe he's ...(inaudible)...

Mr. McNatt: Commissioner Starr, I'll answer that question if I understand what the question is. You're asking how much water the project's going to use?

Mr. Starr: Yeah, because it looks like a low number for all of that acreage that's going to be planted out.

Mr. McNatt: A 130,000 gallons per day.

Mr. Starr: Yeah.

Mr. McNatt: That's the projected use.

Mr. Starr: What is that based on? How is the calcs done?

Mr. McNatt: The County standard is 600 gallons per unit.

Mr. Starr: And you actually use 600 gallons per unit in this multimillion dollar houses in Kapalua?

Mr. McNatt: Actually we'll probably use less than that in these because of the nature of these units. Typically we use less water in the condos than the County standard of 600. That's what we found.

Mr. Starr: And as far as landscaping?

Mr. McNatt: The landscaping is shown here as 100,000 gallons per day, non-potable source.

Mr. Starr: The non-potable that's going to come from the ditch system?

Mr. McNatt: Yes, it does. It comes from a ditch system. I was just handed a letter from the Department of Water Supply that indicated that their anticipated use is 242,000 gallons versus our 230,000 gallons.

Mr. Starr: A quarter-million gallons?

Mr. McNatt: 242,000 versus 230,000 so it's very close.

Mr. Starr: Okay, I'll accept that. Drainage, I understand that you're planning on reducing the amount of water that's going to run down from this project and pollute the ocean by 5%. Now this area right now is not having a lot of chemical fertilizers, a lot of nitrates and phosphates but when this whole thing is all developed and planted out there will. So we're looking to find ways to reduce the impact on the ocean which is definitely part of what we need to – the criteria for the SMA. You know, as it stands now I really feel that it will do irrevocable damage to the reef system by the amount of runoff of nitrates and phosphates

from all of the fertilizers that will be applied. So I'm asking how you're going to find ways to either capture more of this runoff on site or go completely organic and utilize low impact chemicals on all of this.

Mr. McNatt: Well, as I indicated before the site, the project will actually reduce the runoff by 5%. We have a detention basin at the bottom of the hill in the golf course which currently essentially detains all the water coming off the site right now. So it's the water – that runoff is filtered through the ground before it ever gets to the ocean. In a major storm occurrence there will be an overflow, but that doesn't happen very often. So we're exceeding the County standards by retaining more water on site and reducing the drainage by 5% over what exists today.

Mr. Starr: Let me get this right. So that catchment basement, how long as that been there?

Mr. McNatt: Since the Bay Golf Course was built in the late '70's.

Mr. Starr: So right now, how much water is flowing into the – how much drainage flow is there in a 50-year storm and that would have to be taking into account that drainage basin?

Mr. McNatt: If you look at on page 25 of the report, under drainage it explains the flows. The second paragraph, estimated storm drainage flows.

Mr. Starr: Okay, so that 67 cubic feet does that take into account that drainage basin?

Mr. McNatt: Yes, it flows into that basin.

Mr. Starr: And then taking into account the same drainage basin, it will reduce from 67 to 64 after you build all that impervious surface?

Mr. McNatt: Yes, because of the detention basins that we're building on the site itself. I don't have the exhibit out there but there's a whole series of underground detention basins that we'll be putting under the site.

Mr. Starr: Yeah, I saw them. They look like kind of like sand traps in the picture.

Mr. McNatt: Well, in fact what they'll be is perforated pipes that will be buried in the ground.

Mr. Starr: Okay, so what I understand you're saying is that those onsite basins will actually capture all of the new runoff generated by the project plus 5% is that correct?

Mr. McNatt: That's correct. And so it will go into those perforated pipes and then all that water will perk through the soil and be cleansed before it gets through the aquifer and to

the ocean which will be a long time.

Mr. Starr: Is it possible to capture more than that?

Mr. McNatt: We've already far exceeding the requirements. These facilities are extremely expensive and I think we've maxed out the areas where we can put those. So I don't think so. I don't think we can add any more.

Mr. Starr: Madam Chair if someone else want to take it for a bit?

Ms. Amorin: Commissioner U'u.

Mr. U'u: Yeah, I'd also like to add a few things that one, we all pretty much look like zombies in here right now, it's humor for me. I know we got a lot of questions involving with the view planes, drainage, water, traffic and I really feel it would be unfair of us to continue the meeting and I would request that we defer this meeting and I know Jonathan has a lot of questions. I, myself, do have a lot of questions and I think it would be unfair of us to act on this tonight. It's not about the time, I think everybody shares the same state of mind right now, where the pillow seems a little better.

Mr. Starr: Second.

Mr. U'u: And I would like to end with a comment where at times I see a lot of the local people coming up here testifying and my ear does hear to them because they are, you know, at times overwhelmed with development and traffic is a huge issue. And even I ask myself at times when is it enough? Whether it be this project or the next project. You know, I see a lot of the local guys coming up here and saying hey, you know we had enough. They the guys from this island and this is the guys we represent. And we got people up here talking about the guests, where the guests are their priority. Well, you know what, it's not my priority. It's not my priority that the guests, it's the community here that's my priority and it's a hard time to swallow at times when you know, I see the nonresidents there pushing a project and are they speaking from the heart right now? The nonresidents pushing a project, the residents opposing a project. I got nothing against this project, I being honest. I'll give you guys a fair ear. But you got to take something into consideration and I know you guys contributing to you know your fair share contribution, the housing policy but it's a balancing act that we decide. So I asking for my time and to defer and it is because of that I'm asking for this.

Ms. Cua: Maybe if we could talk about that a little bit.

Ms. Amorin: Ann, at this time I just want to recognize in the audience JoAnn Ridao, with affordable housing with the Mayor's Office and also Vanessa Medeiros, she's the Director

of Human Concerns. Did you – either of you wish to speak on any topic regarding the project?

Ms. Vanessa Medeiros: We'll defer to –

Ms. Cua: We just asked them to be here if you had questions.

Ms. Amarin: Thank you, thank you for being here.

Ms. Cua: And also, Ed Okubo from the Housing Division is also here as well.

Ms. Amarin: Thank you for being here.

Ms. Cua: Time is an issue because we have to be out of here by 11:00 p.m. I think the lights are going to go off at 11:00 p.m. So we were looking at the calendar as to what are our options. You do have a meeting coming up next week Tuesday on the 24<sup>th</sup>. The agenda's already gone out but in talking with Carolyn we could do an amended agenda and have that posted six days prior. Another option is to recess the meeting within six days, but I don't have a calendar of what is available for you. And then the next meeting after that is May 8<sup>th</sup> and with that, we wouldn't have to amend any agenda, we would just schedule it for May 8<sup>th</sup>. So those are the options and if you could let us know what your pleasure is, we'll act accordingly. Yes, commissioner?

Mr. Iaconetti: I was under the impression that in the event that we stopped the meeting at this point that when we start it again it had to be out here.

Ms. Cua: No, the law requires that you conduct the public hearing in the community plan region. You have conducted the public hearing. You opened up the public hearing and you closed the public hearing. That's why it was very important that you ask for all testimony, open the public hearing and closed it which you have done. So we've completed that requirement so now you can complete your action portion back in Wailuku. So we just need to know your pleasure.

Mr. Starr: I vote for May 8<sup>th</sup>.

Ms. Amarin: May 8<sup>th</sup>, Commissioners? May 8<sup>th</sup>. Commissioner Hedani.

Mr. Hedani: We can schedule this and comply with the notice requirements for our next meeting on next Tuesday?

Ms. Cua: The 24<sup>th</sup>. Yes, according to the boss sitting over there. She indicated that yes, we could a post another agenda. We'd have to do an amended agenda and that could be

done as long as we post it within six days. So it's possible.

Mr. Hedani: Okay.

Ms. Amarin: Commissioner Starr.

Mr. Starr: Madam Chair, we have the sand and some other hot items on that next agenda. I would prefer to put it to the subsequent meeting just because next week we already have a full plate next meeting.

Ms. Amarin: What's the consensus with the commissioners, the 8<sup>th</sup> or the 24<sup>th</sup>?

Mr. Iaconetti: I could do the 24<sup>th</sup>.

Ms. Amarin: Okay lets have hands. The 24<sup>th</sup>?

Ms. Cua: Four.

Ms. Amarin: The 8<sup>th</sup>?

Ms. Cua: One.

Ms. Amarin: The 24<sup>th</sup> takes it, Commissioner Starr. So it's going to be on the 24<sup>th</sup>.

Ms. Cua: Okay.

Ms. Amarin: Okay we have a motion on the floor to defer, do I have a second?

Mr. Iaconetti: Second.

Ms. Amarin: Okay, we have a motion to defer, and a second. We're all in favor.

Matter was deferred to April 24, 2007 in the Planning Department Conference Room, 1<sup>st</sup> Floor, Kalana Pakui Building, 250 S. High Street, Wailuku, Hawaii 96793.

**C. DIRECTOR'S REPORT** - none

**D. NEXT REGULAR MEETING DATE:** April 24, 2007

**E. ADJOURNMENT**

Ms. Amarin: Meeting adjourned. Thank you everyone.

The meeting was adjourned at 10:52 p.m.

Respectfully submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

Present

Johanna Amorin, Chairperson  
Wayne Hedani, Vice Chairperson  
Kent Hiranaga  
John Guard  
Bruce U'u  
William Iaconetti  
Jonathan Starr

Others

Jeffrey Hunt, Planning Department  
Ann Cua, Planning Department  
James Giroux, Department of the Corporation Counsel  
Michael Miyamoto, Department of Public Works and Environmental Management