

**MAUI PLANNING COMMISSION
REGULAR MEETING
MARCH 27, 2007**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Wayne Hedani at 9:04 a.m., Tuesday, March 27, 2007, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Wayne Hedani: Public testimony will be taken on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the planning commission. Public testimony will also be taken when the agenda item is taken up by the planning commission. Maximum time limits on individual testimony may be established by the planning commission. A person testifying at the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the commission unless new or additional information will be offered. Are there any members of the public that would like to offer testimony at this time? If so, please step to the microphone and identify yourself for the record. You have three minutes.

The following person testified:

Carl Offenbach - Item C-2, Lahaina Cannery Mall, SMA

His testimony can be found under the item on which he testified.

Mr. Hedani: At this time, I'd like to turn it over to the Deputy.

B. RESOLUTIONS THANKING OUTGOING MEMBERS PATRICIA EASON AND SUZANNE FREITAS

Ms. Colleen Suyama: We have two outgoing members of our commission and we have some resolutions that were prepared. The first resolution is the Suzanne Freitas.

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since April 1, 2002, Suzanne Freitas has served as a member of the Maui Planning Commission; and

WHEREAS, Suzanne Freitas, has served as Vice -Chairperson during 2005-2006, and has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

WHEREAS, Suzanne Freitas' term of office will expire on March 31, 2007, now therefore

BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Suzanne Freitas for her service during the past five years and does hereby extend its best wishes in her future endeavors; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui and the Honorable G. Riki Hokama, Chairman of the Maui County Council.

Ms. Suyama: We also have a letter of commendation from the Mayor to Ms. Freitas:

Congratulations on a job well done. On behalf of the people of the County of Maui, please accept my deepest appreciation and gratitude for your dedication and service on the Maui Planning Commission.

Your efforts and contributions have made a positive difference. I truly believe that it is important for citizens to play an active role within both our community and government, the process of recruiting and selecting nominees to the various Maui County boards and commission has given me a greater appreciation for volunteerism and community service.

I would like to commend you for your willingness to devote your time, energy, resources and insight to the betterment of the Maui County. Once again, thank you very much for doing your part to make the county the best that it can be. I hope that your experience has been rewarding and worthwhile. Signed, Charmaine Tavares, Mayor, County of Maui.

She also includes a merit award. I'm going to put this into a – we're going to have it framed for you.

Ms. Freitas: Thank you.

Mr. Starr: Do we get a speech?

Ms. Freitas: No. Thank you.

Ms. Amorin: Thank you Chair. Also, Suzanne on behalf of the planning commissioners we have – I have taken the liberty to also present our aloha to you and for service, a service well done. We know what it takes to come here at every meeting and to go over the projects and to let the people know out there and for serving the community, a job well

done. We have a lei for you, and also the resolution that was done, we have it put it on a Maui shaped koa wood. The resolution is on there with the Maui seal and this goes to both our ladies who's living us today. Thank you. Mahalo.

Ms. Freitas: Thank you.

Ms. Eason: You can just say ditto.

Ms. Suyama: Well, we do have another resolution and similar there's a letter from the Mayor for Patti Eason who's also leaving us, this is her last meeting.

Ms. Eason: Thank you very much.

Ms. Suyama: Thank you Patti.

Ms. Eason: I do want to say something though. I think I take away more than what I put into this job because I was like a substitute which was a long, long substitute. I wasn't the first choice. But I'm so happy to have met all of you and actually I've learned much more than I did as a student would. You know, because I guess because of maturity and whatnot. Now I really appreciate what the Planning Department does. I really do. So thank you for teaching me and thank you everybody for helping.

Mr. Hedani: Okay, on behalf of the commission I'd also like to express my appreciation to both commissioners for the work that they've done. Patti for your wisdom and your guidance and your dignity that you brought to the commission. And Suzanne, for your forthrightness in presenting issues and your clarity in issues and in defending the rights of people that have private property rights on the Island of Maui is something that I've learned. I appreciate the guidance that both of you have brought to the commission. I think on balance of the work that was done during your administration of the commission has been significant in terms of its benefit to the people of the Maui. So mahalo.

This is the first time that Suzanne is at a loss of words, so we're going to move forward. The second item that we have on the agenda is the public hearings for A & B Properties.

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

- 1. A & B PROPERTIES, INC. requesting a Special Management Area Use Permit for the Kahului Town Center Project involving the redevelopment of the existing Kahului Shopping Center to a mixed-use commercial/residential development, including retail, office, and other commercial spaces, 442 apartment residential units, and related on-site**

and off-site improvements at TMK: 3-7-007: 005, 008, 009, 010, 027, and 050, Kahului, Island of Maui. (SM1 2006/0010) (A. Cua)

Ms. Ann Cua: Good morning Mr. Chair, Members of the Commission. How we'd like to handle this project today so that we're not repetitive, the applicant has prepared a power point. Most of you have seen this probably a couple of times. They've taken out some slides so that it's not quite as comprehensive, but they'll be covering the architecture of the project, the landscaping, the drainage and the traffic, and then I'll come back up here and go through some of the issues, the agency comments and then we'll have the public hearing and then go onto the recommendation. So with that, I'd like to turn it over to the applicant Chris Hart at Chris Hart and Partners.

Mr. Chris Hart: Thank you very much Ann. And on behalf of our firm, Chris Hart and Partners and also our client, A & B Properties and basically the general public, I'd really like to also thank Patti Eason and Suzanne Freitas for their willingness to serve. I mean, it is five years out of your life and it is really a dedication in the context of the amount of work, amount of reading material at least and the length of the meeting, so thank you very, very much.

Today we're here essentially representing A & B Properties. We have a replacement, Clyde Murashige. Grant Chun is on vacation so Clyde is here. Could you just put the light back on just for one minute. That's fine Colleen, right there. I'd just like to say that in the context of this map, I think that the project that we're presenting to you today represents kind of an evolution in the planning process. We are going through a general plan process right now on Maui and the primary thrust of the general plan in terms of Bill 84 is to try to essentially tighten up the urban areas and to limit urban sprawl. This map actually shows proposals for urban expansion. I think that this project in terms of the planning process being an evolving process is essentially a great example of where we want to go. People say that how can you accommodate population if you're not going to allow for urban sprawl, but in reality one of the real options is to do urban infill and this project represents an infill project and it essentially is really reflective of some of the more current thinking, of some of the more current thinking in terms of good land use planning. You've all heard of smart growth, neo traditional town planning. This is a project that reflects that and we're proud to be able to be part of this project and present it to you today. And essentially our project is the Kahului Town Center and we'll give you a brief overview as Ann has indicated.

We did come to the planning commission on February 28, 2006, and this was a pre consultation with the planning commission just to introduce the project to you. And then again, on September 12, 2006, we had a presentation to the commission for acceptance of our draft EA and then on January 22, 2007, there was a presentation to the commission on our final EA for a Finding of No Significant Determination and today we're here, and we're requesting approval our Special Management Area Permit.

Our project team, A & B Properties, and again, Clyde Murashige is representing A & B. Chris Hart and Partners, myself, Bill Mitchell is the landscape architect and Jason Medema are presenting Chris Hart and Partners. MC Architects, NGA Hawaii and Leslie Lipage and Steve Marlette is representing MC Architects. Sato and Associates are basically doing the preliminary engineering and drainage report and Calvin Sato is here representing them. Phillip Rowell and Associates is our traffic engineer and Phillip Rowell is here. And SCS Incorporated Archaeologists and there will be no representative present.

The project profile again, it's a mixed use town center. It consists of commercial, retail and residential. There are a 144,000 square feet of retail commercial space, 96,000 square feet of new office space, 57, 000 square feet of existing office space and 442 multi family residential units.

The project area consists of 19.9 acres. The required permits again, are the SMA permit, the NPDES permit, grading permit and the flood development permit. I'd like to note that in the context of the SMA permit, this is a major project. It involves four phases and you know, we are going to be asking for a little bit more time for completion of our project in the context of the SMA permit. We would like to have the commission consider the possibility of ten years instead of five years for completion.

Our project objectives, to develop a pedestrian oriented downtown for Kahului where residents can live, work and play and over time Kahului has become definitely an automobile oriented community with basically the 50's and 60's shopping center being essentially the major form of commercial development. Our intention here is to revive the Kahului core by creating exciting urban retail and residential housing opportunities for local residents. In other words, this is definitely a mixed use project where people would live and work. There would be a unity of existing and planned neighboring developments. Build upon the tradition of Kahului Shopping Center. Also, as a gathering place for Maui residents and enhance the entry the experience to Maui.

Project location, again, it's right in the heart of Kahului and again, this is the place where urban infill can take place. This would be Kaahumanu Avenue which is the main arterial essentially from the airport through Kahului to Wailuku. And then Puunene is really the main arterial from Kahului to South Maui. And then Kamehameha Avenue is a local street and Lono Avenue is a local street.

The land use designations for the project, we're consistent in every way with the community plan which is business commercial and the zoning is B-2 Business which is Central Business District.

This is our basic flood insurance rate map. This would be Kahului Harbor. This shows the

“V” flood zone which is basically the tsunami line. You can see that just a very small portion of our project site is within that “V” line. And then the “A4” line is here and essentially the elevation, recommended elevation is eight feet above grade or sea level, excuse me, eight feet above sea level and this would be the “C” zone which does allow a development with no flooding. I might also add that the existing grade right here at the “V” zone is basically almost eight feet above sea level. That’s the natural grade at this time. So our project is being designed to be essentially eight feet above sea level.

Proposed town center history. This actually is pre shopping center. This is in the 1940's. This is the old fair grounds, the race track. So this would be Puunene Avenue. This would be the harbor. This would be the pre Kaahumanu Avenue. This would be Kamehameha Avenue and this would be Lono Avenue. But the most important aspect of this is to show you that essentially the original street pattern of Kahului was essentially – the Kahului Shopping Center was divided up by a grid and I think that’s the intention here is to restore that grid and to restore the character of this neo traditional town.

Our Kahului Town Center architecture, that’s going to be presented to you now by Steve Marlette and I’d like to introduce Steve from MC Architects.

Mr. Steve Marlette: Hello, my name’s Steve Marlette with MC Architects. We’re going to run through rather quickly some of the architectural portions. I know we’ve been here three times doing this already so let me just touch on the highlights generally.

Our overall design objectives for the architecture is it first utilize Maui inspired architecture. The site is steeped in plantation history and we want to use some of that history as points of reference. Other points of reference are Front Street in Lahaina, Market Street in Wailuku, images of prominent history buildings and some of the upcountry communities and some historic images that have been put together by members of the Planning Department.

The architecture that we propose reflects these images. Individual buildings with unique character and style. We’re trying to provide a human scale to the overall development. The buildings have single level retail typically at the street level and then multiple levels of office and residential uses above. Ground level pedestrian and with retail utilized, covered walkways and various landscape features that give it a sense of enclosure to the streetscape and the human scale of the overall development. And the retail store fronts have that scale and the old style of retail store fronts found in Lahaina and various places in Wailuku.

We’re trying to provide pedestrian friendly streets. Create a comfortable walking environment that will relieve the need for somebody to get into their car from this development and go to the adjacent retail developments of Maui Mall and Kaahumanu

Center. So we want to really emphasize the idea of a walking environment.

With that, we're using 28-foot wide drives with angled parking to slow traffic. We're using raised speed tables at all of the intersections and pedestrian crossings with pedestrian paving patterns to slow the vehicular traffic as much as possible and we're providing a very comfortable, wide landscaped sidewalk area along the retail frontages along the internal streets that are capable of supporting things like outdoor seating and comfortable shaded areas.

This is the overall site plan for the project. The site is bisected by Town Center Drive and Kinau Street and divides the entire project up into the four quadrants. The first quadrant, quadrant 1 up in the upper left-hand corner is primarily a commercial development, two and three-story commercial buildings. Retail on the lower level, offices on the second level and on-grade parking.

Quadrant 2, generally is a residential oriented quadrant although it does have commercial all along, Town Center Drive is primarily intended on to be four stories with a residential.

Quadrant 3, is a podium type of product which has commercial, retail spaces on the lower level all the way around the perimeter of the site. Large enclosed parking areas with structured parking in quadrant 3. In upper levels that aren't shown actually on this particular plan, three and four-stories worth of residential above.

Quadrant 4, has the existing Kahului Building on it and Central Pacific Bank within that quadrant. It has two and three level retail buildings or excuse me, retail on the lower level and commercial above as well as an enclosed parking structure and multiple levels of a podium type residential product here.

We do have as a centerpiece to the overall project the Town Center Park located just off of a main, sort of image icon and a roundabout in the center of the project.

These are the exterior elevations of the overall project showing the massing and the scale of the project. When I say exterior elevation, they're from the external streets around the project. As you can see, quadrant 1, two-story buildings and you can see the quadrant 3 frontage which has multiple levels above. Generally on all of these you're seeing a single level of retail space, differentiated from upper levels of either residential or office spaces.

This is one of the interim uses which is the farmers market proposed for the area right along side the park. Again, this is going to be a phased project. First phase is anticipated to be quadrant 1 and a portion of quadrant 2, the commercial. And within that first phase, we have an interim use that we would like to implement which is going to be a farmers market. Brief elevations of the farmers market primarily doors that open up and booths

down below. It's approximately 23,000 square feet. The market will operate from morning until evening hours and open floor spaces would be leased to tenants on primarily a monthly basis. So they'll shut the thing down at night and open it all up the next day.

This is a photo imagery of the intersection of – existing conditions at the intersection of Puunene Avenue and Kamehameha Avenue without the project. This is the same exact angle with the project. You can see quadrant 1 in the foreground here, two-story commercial space and quadrant 3 in the background. This is the intersection of Lono and Kamehameha Avenue. Currently has the Lono Building, right, in the back, a county building. And this is the same view with the project. This is the quadrant 2 multi family housing in the back. This is the intersection of Kaahumanu Avenue and Lono Avenue. You can see in the foreground the existing Kahului Building and this is the same image with the project. The scale of the upper levels of residential on quadrant 3 in the background. The same street, Kaahumanu Avenue looking west. This is currently the Burger King that sits in the corner and the Kahului Building in the background without the project and with the project. Again, lower level retail spaces differentiated from multiple levels of housing above. With that, I'll turn it over to Calvin Sato to run through some of the preliminary engineering issues.

Mr. Calvin Sato: Good morning. My name's Calvin Sato and I'm with Sato and Associates. I'll be going over some of the drainage issues. The project will have a net increase of 21.55 cfs of runoff. The project will retain approximately 54 cfs of runoff over the current conditions which is the double the county standard. Compared to the existing conditions, the project will decrease runoff by approximately 32 cfs. The project will incorporate pervious surfaces and retention swales to further filter runoff entering the underground retention piping. And also, the project will look at using mechanical filtering devices to help to filter out sediments and oils from getting into the drainage system.

Mr. Phillip Rowell: Good morning. I'm Phillip Rowell, I was the traffic engineer for this project and I want to briefly go over the mitigation measures that we had for this project. As was said before this project generates about 1,800 vehicles per hour during the peak hour. So we have a number of mitigation measures.

Starting along Kaahumanu Avenue, we're modifying the intersection of Kaahumanu at Lono Avenue. What we're proposing is basically a restriping at that intersection. Kaahumanu at Kinau Avenue which is the main entrance along Kaahumanu that is being reconfigured from a full service intersection to a right-in/right-out only. That was to address some capacity deficiencies as well as some safety concerns.

The intersection at Kaahumanu at Puunene all the way down to Vevau Street is being widening to provide an additional lane. If you recall, south of Vevau there's roadways five lanes wide, you have two lanes each way with a left-turn pocket. To the north of that, you

only have two lanes in each direction. We're widening that section to put in a second left-turn lane up at Kaahumanu as well as to provide a median along Puunene Avenue for pedestrian safety.

The intersection of Kinau at Kamehameha will be a signalized intersection. That's a new traffic signal.

The intersection of Vevau at Town Center Drive which is now a stop sign controlled intersection with Lono being the free movement is going to be converted to a four-way stop. That is to address capacity deficiencies as well as to enhance pedestrian safety crossing Lono Street and that would link up with the pedestrian walkway on Vevau that goes through to the Lono Street student housing project.

Intersection of Kane at Kamehameha will be signalized.

The intersection of Kamehameha and Puunene will be configured to provide an additional westbound lane.

And what is not shown on here is to the east, the intersection of Hana Highway at Kamehameha and Hobron recommending an additional eastbound lane that we'll reconfigure that intersection. And as part of another project, that intersection is being coordinated and synchronized with the rest of the signals along Kaahumanu and those plans have already been submitted to the state for approval. So it should be happening pretty soon.

This is a detail of what we're proposing along Puunene between – roughly between Kamehameha and Lono Street. You can see how we're widening out that section of roadway to provide that pedestrian median, to provide safety for them.

The other thing that you'll note is that at the driveways coming out of the project we're restricting those traffic movements to right-turns only. Right now it's a full service. You can do a left or right. We're going to prohibit left turns and through movements which should operate at a higher level of service. The left turns into the project, we are going to continue to allow because the configuration that we're proposing is the same as what's there now, but it will probably operate as if it was a separate left-turn lane because the widening there, the median gives a little bit of refuse for at least one car that can store and pull out of the through lane, so it should operate better, going northbound.

This is a detail of the traffic volumes of when we adjust the traffic to remove Drive I. This is in response to one of the comments from DOT that they did not want to allow Drive I even though it was going to be a right out only, there were no left turns in, there were no right turns in, it was a right turn out only. They had some concerns about how it would

operate. So we did a little addendum to that to analyze what would happen if the traffic were reassigned to the other driveways and what happened is that the level of service at Kamehameha and Puunene dropped from level of service D to E because we put additional traffic into a critical movement. Which means that we need to look at additional mitigation measures. That report is – has been submitted to DOT and we're awaiting their response. And that, it goes to Bill Mitchell.

Mr. Bill Mitchell: Good morning Mr. Chair, Members of the Commission, my name's Bill Mitchell. I'm the project landscape architect with Chris Hart and Partners. Just kind of summarize the whole landscape theme for this project. If there's one identifiable element that sort of survived over the years at the old shopping center and that's the monkey pod trees and that's something we're really going to reemphasize. If you want to flip to the plan real quick, really reemphasize and reestablish is this very strong monkey pod theme canopy along our street corridor. And as Steve mentioned, you know, the success of this project is really predicated upon how the streetscapes work and how pedestrian friendly they really are. And we feel like if there's not a significant canopy and shade on these streetscapes they're simply not going to function. So while there's a number of existing monkey pods there in the shopping center now and we're going to try to reuse a handful of those in our park area, the real large ones. We are going to bring in new field stock monkey pod trees to line the Town Center and the Kinau Street, Kinau Avenue streets to really create the canopy that you'd see ...(inaudible)... that was there in the old shopping center. That's why people hung out there because it was nice and shady. One of the few shady refuges in all of Kahului. So it's really the primary theme of the project. It's the signature tree of the project. Of course we have larger palm trees and smaller canopy and flowering trees around the perimeter of the project to soften and enhance elevations. It's really these monkey pod trees in the corridor that are going to – we believe it's going to make the project successful.

Go to the next slide, I want to just show them – this is a section of the Town Center Drive and that shows the relationship that is going to be created with the canopy. The streetscapes and the sidewalks are wide enough to allow us to shape these canopies to provide that covering in that shade corridor and line these up in a fashion that I think it's going to be unique for Maui to have this amount of shade in a sort of pedestrian setting.

Go to the next slide. These are just some elevations of how the larger palm trees will frame and enhance the building elevations, this being the Canal Avenue entry.

This being the Vevau Street entry, again, the monkey pod trees. Combination of coconut trees, royal palms, field stock trees to give us an immediate impact as it relates to the streetscapes and I'll conclude with that and turn it back over to Chris to close the presentation.

Mr. Hart: Thanks a lot Bill. What we'd like to do now is just to kind of respond like Phillip did really to the comments, his were on traffic. We want to look at the responses to the – that were incorporated into the final EA, in a summary for you.

Essentially one of the big issues that the commission brought up, the issue of pedestrian signal timing. The planning commission commented that the timing of traffic signals along Kaahumanu Avenue was too short to provide sufficient time for senior citizens and other disabled pedestrians to cross the street.

Our response is that the State Department of Transportation was recently consulted regarding the feasibility of lengthening the crossing times. State DOT believes that the crossing times are sufficient to accommodate disabled pedestrians. Increasing the crossing times would decrease the level of service at the affected intersections.

One thing I will point out is that this project – on Kaahumanu Avenue there is essentially a refuge lane, also there will be refuge lanes incorporated which is a center median on Puunene Avenue. The applicant will install timer display pedestrian walk signals at the Kaahumanu Avenue intersections at Puunene and at Lono Avenues contingent with State Department of Transportation approval. Now these are timer displays which actually display the seconds so that a person crossing knows you know, when the time is up and they could actually then seek refuge in the refuge lane.

Additional comments, LEED certification was an issue that came up with the planning commission and the planning commission voiced a desire to know whether the project will be LEED certified.

Our response that we made basically at that meeting is that the applicant intends to apply for the LEED Neighborhood Development Pilot Program which will initiate a process towards LEED Neighborhood Development Certification. And that essentially is the intention of the developers to essentially initiate this process. And of course, we did discuss and this could be discussed further with Steve Marlette. There are a lot of qualifications that need to be met along the way in order to become fully LEED certified, but we are moving into that process and we are applying for it as a neighborhood development pilot program.

Sand mining was another issue that came up. The planning commission inquired whether sand mining could occur on site to produce concrete for the project.

Our response after doing research is that very little excavation will occur on site therefore it is unlikely that sand from on site will be used for concrete production. Also, we've been told that the quality of the sand from the point of view of being present, you know, in the context of years of development would not be the type of sand that would be appropriate

for concrete.

Thank you. That essentially is our presentation for you today and we'd be certainly open to any questions that the commissioners may have, and that would be myself and all of the consultants.

Mr. Hedani: Questions from the Commission? Commissioner Freitas.

Ms. Freitas: Out of the five years this is my favorite project. I love this project. Now, thank you for your responses to our comments too. And I just want to clarify something, the issue about the seniors. If in fact, they find from Hale Mahaolu and Ekahi and all those hundreds of people that this center does serve them for most of their needs and I'm seeing that there are more and more scooters and so if more people replaced their cars with scooters, do you find that if you do have a big influx of scooters coming to the complex, would they be able to get around on those? I mean, are the streets, the sidewalks wide enough to accommodate if that should happen?

Mr. Hart: Yes, they will be. All of the sidewalks are lets see about 10 feet, is that right? Okay, yeah, 10 to 20 feet actually. So the circulation – the project is meant to be pedestrian friendly in all respects. You know, for the disabled, for the scooters, for individuals that choose bicycles, it is a pedestrian friendly environment.

Ms. Freitas: Good. Thank you.

Mr. Hedani: Any other questions from the commission? Commissioner Amorin.

Ms. Amorin: Thank you Chair. Good morning Chris. My question is listening to the landscape regarding the canopy of trees, the monkey pod, keeping the shade in the area, and the people, are they going to have a lot of benches staged around the areas where the trees are so people really could make use of the shade area? Because I know it's the corridor, it's the roadway. I don't know if it's appropriate to have benches there. So how will you best use the canopy of shade?

Mr. Hart: You know, I'm going to ask Steve Marlette to come up because or – or Bill – you know, it is designed, you know, obviously to encourage conversation. And one of the things that were charged with because old Kahului Shopping Center is such a gathering place and it really is because of the shade of the monkey pods, that was an important, one of the most important features that we wanted to encourage. Especially also because people are going to be living as part of this project, living there.

Mr. Marlette: ...(inaudible - changing of tape)... we do have some very wide sidewalks on – or pedestrian areas I guess you might say. The intent is to provide a minimum of 10-foot

wide walking area in any of those locations and that leaves us space on both sides of that walking area within the sidewalk area to do things like pedestrian seating, to do things like trash enclosures and light poles and bike racks and things like that as well as we're providing areas that you could have a little outdoor café or something like that and have seating out in the sidewalk area. So we think we have enough room in that area to provide very adequate, very shaded public seating areas. We want to make it an environment where people can linger and be comfortable. We're providing areas where you could have a little outdoor café or something like that and have seating out in the sidewalk area. So we think we have enough room in that area to provide very adequate, very shaded public seating areas. We want to make it an environment where people can linger and be comfortable.

Ms. Amorin: Thank you very much. My concern I guess was the roadway because the miles – it's 10 miles per hour going through Kinau and then the street that intersects, right? Is it 10 miles or is it five miles an hour?

Mr. Marlette: I'm not sure.

Ms. Amorin: My reading material reflects and I think it was 10 miles an hour.

Mr. Marlette: What's the speed limit on that one? Generally what we're doing is if you can see at each one of our intersections we're doing a raised speed table. Basically it comes up six inches here, here, here so that that accentuates the pedestrian crossing. So the idea, it's almost a traffic control mechanism is the idea –

Ms. Amorin: I know and you have the roundabout there so, you know, it's not going to be –

Mr. Marlette: That does the same thing but generally you're going to be slowed down, every time you come across a pedestrian crossing. We want to keep things very slow through here and not make it a cut through situation.

Ms. Amorin: What is the distance from the outside perimeter to the roundabout on each section of the roadway? Approximate.

Mr. Marlette: Good question. Hold on. You're looking at about 600 feet.

Ms. Amorin: Okay. I know the roundabout is a great asset there. Thank you.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: I, too, want to add my aloha to this project. I think it's a terrific project. Being

a rather impatient individual and considering my age, I'm wondering why it's going to take so long to get this developed? Is it economic or what is the reason for the long delay in development?

Mr. Hart: I will probably ask Darren to comment on that, but the issue is basically economic. It's basically market driven in the context of absorption. And you know, we're essentially believing that the first phases of the project can be developed in the first five years, but we would like the opportunity in the context of not changing the project and in the context of actually having pretty firmly established urban design guidelines to be able to have an extra period of time, an extra five years. Now in the context of the planning commission rules and Chapter 205A which is the State Coastal Zone Management Act, there was never any time that was established in the Coastal Zone Management Act. It was a time for completion that was actually incorporated in the Maui Planning Commission Rules. So it's not like we're violating any thing in the context of State Law. And it is a major project and it is a project that may take more than five years and we would like the opportunity of being able to have some extra time and be able to come in and ask for extension and be able to present it to you in the context of an extension. That's the reason. If Darren would like to add something to that.

Mr. Darren Lake: Hi, Darren Lake with A & B Properties, I would only add that with Phase 1 we're trying to get the – the intent is to have it function from the beginning. So for this to be successful, it's going to have to work from the beginning. So we'd have the building there. We'd start with Phase 1 here with this building and then a building here within quadrant 4, and then the farmers market. Put in the road network so that from day 1 it starts to function. So that's all that I have.

Mr. Hedani: Commissioner Guard.

Mr. Guard: This might be for Darren as well. Do you know – I think it was in the EA document, I just can't find it, the number of parking stalls in Maui Mall compared to what this is going to have at full build out?

Mr. Lake: I do not know off hand, I could check.

Mr. Guard: Just wondering if a lot of the tenants are going to be requested to maybe move over to this for future development across the street. I guess that's a 10 to 20-year now.

Mr. Lake: Yeah, I think that would be a little bit farther out.

Mr. Guard: Okay, I was just wondering about that for the movement there, but I also want to ditto I guess with the rest of the commission that thank you for taking all of our requests in and decreasing the overall drainage by 20%. That should be a pretty big benefit for a

flat area like that in Kahului where there's a lot of ponding occurring when it storms. So great project.

Mr. Hedani: Additional comments from the Commission? Commissioner Starr.

Mr. Starr: Yeah, I had a little bit of confusion in the power point regarding one of the intersections I believe that was Kamehameha and Kinau. Where first we were presented with the recommendation that it be right-in and right-out only which sort of makes sense. And seemed to be that that was what it was going to be, and the Mr. Rowell said that in actuality it's not going to be that, it's going to also have crossing traffic. So I think that lead to some confusion. Could you clarify that?

Mr. Rowell: Excuse me, Kinau and what? Which intersection are you talking about?

Mr. Starr: I'm talking about lets see, is that yeah, Kamehameha and Kinau.

Mr. Rowell: Kamehameha and Kinau, that's going to be the new signalized intersection.

Mr. Starr: What?

Mr. Rowell: That's going to be a new signalized intersection.

Mr. Hedani: Phil, can you speak directly into the microphone?

Mr. Rowell: Yeah, Kinau which is intersection D is going to be converted to a signalized intersection. That's a new signal.

Mr. Starr: Yeah, I'm sorry, Kaahumanu and Kinau.

Mr. Rowell: Okay, what is happening is right now it is coming out you can do a left or you can go through to the other driveway on the north side.

Mr. Starr: Right.

Mr. Rowell: There will be a right-in, right-out only in the future. What happens on the north side though it is a full service intersection. We can't change that. So what's to the north there's another driveway that goes into a little parking lot up there and goes to the canoe clubs. They will still have all movements available to them.

Mr. Starr: Okay, but my question is will traffic, say traffic that's coming –

Mr. Rowell: Westbound?

Mr. Starr: Yeah, that would be westbound, be able to make a left turn into Kinau?

Mr. Rowell: Yes, yes. They will be able to make a left turn – yeah.

Mr. Starr: I thought you said it was right in, right out only. Right in and right out only.

Mr. Rowell: You can't cross the street coming out of the driveway. What happens is the left turn coming out of the project operates at level of service F because of the long delays. So we're removing that movement as well as the movement going out. The left turn coming in from the westbound coming in is operating at level of service, I don't remember but it was below the standard.

Mr. Starr: And why don't you remove that also so that you don't further destroy the flow?

Mr. Rowell: Well, actually because it operated at an acceptable level of service and it has to yield to the opposing traffic. It didn't give us a capacity or a level of service problem or safety problem. And we discussed that with the State when we scoped out this project when we did the preconsultation and they saw no problem with continuing to allow that left turn.

Mr. Starr: Okay, even with what you're doing, you know, we're looking at a whole long line of F's and a few E's in the 2012 column. In fact we're looking at you know, Kinau at Kamehameha we're looking at a greater than 900 – greater than a thousand-second delay.

Mr. Rowell: What page are you looking at?

Mr. Starr: I'm looking at Exhibit 47, page 44.

Mr. Rowell: In my report?

Mr. Starr: Yeah. It is. I'm looking at over a thousand seconds. In other words it's off the chart it's so bad projected at Kinau and Kamehameha. This is this, this chart here.

Mr. Rowell: Kinau and Kamehameha?

Mr. Starr: Yeah.

Mr. Rowell: Kinau and Kaahumanu or Kinau or Kamehameha?

Mr. Starr: Yeah, Kinau at Kamehameha. We're looking at a.m., only a 127 seconds that F.

Mr. Rowell: Excuse me, I'm not seeing that.

Mr. Starr: The p.m. peak hour we're looking at – you only go up to a thousand seconds.

Mr. Hedani: Gentlemen, can we both speak into the microphones.

Mr. Starr: Yeah, we're looking at –

Mr. Hedani: I'm not seeing the same –

Mr. Rowell: Kinau and Kamehameha is F, yes. That's the intersection where we're putting in the traffic signal.

Mr. Starr: So how many minutes is a thousand seconds. Say it's a 1,200 –

Mr. Rowell: It's a long time.

Mr. Starr: So that's what we're looking, people are going to be sitting there for –

Mr. Rowell: Excuse me, excuse me, you're looking at with the project and then if you look under the mitigation measures, you will see that we recommended that we put in a traffic signal.

Mr. Starr: And so this chart ?

Mr. Rowell: Does not reflect the mitigation measures. What the process is, you go through this analysis and you determine where your deficiencies are and that's how you determine where your mitigation should be.

Mr. Starr: So what is it going to be with the mitigation? You know we're obviously looking at greater than 20 minute delays on your chart.

Mr. Rowell: With the mitigation it will be level of service B.

Mr. Starr: What?

Mr. Rowell: That's right, the delay with the traffic signal will drop down to 16.2 seconds per vehicle. That's one of the reasons you put the traffic signal in, is you have a very long delays, very poor level of service, you put in a traffic signal. And it's also one of the warrants if you have very long delays during the peak hour it will warrant a traffic signal.

Mr. Starr: Okay, so you gave us a chart here that is – you say is not indicative of what it's going to be. This is indicative of what it would be.

Mr. Rowell: That's not what I said.

Mr. Starr: What it would be without your mitigation. Did you give us a chart of what the delays are going to be with the mitigation?

Mr. Rowell: I don't think it was in a chart but it was in the discussion?

Mr. Starr: It's like a shell game trying to figure this out here. I'm sorry, I love the project but you make it very difficult.

Mr. Rowell: On page 49, intersection 57, there's a intersection by intersection discussion of the results of the level of service under mitigation.

Mr. Starr: On page 40? I only go up to 48. You're talking about Attachment A.

Ms. Cua: Excuse me, yeah, I may not have included that sheet. It's probably in your final EA because what I did was included the levels of service with and without the project and then the mitigation measures that were going to be – that were recommended by the study to deal with the level of service that was outlined.

Mr. Starr: So we don't have that sheet as part of the document that we're –

Ms. Cua: If it's in this document, I can go make a copy and bring it right down.

Mr. Rowell: If you have the traffic report, in the appendixes it should be in there.

Ms. Cua: What page?

Mr. Rowell: 49.

Mr. Guard: I believe it's Attachment B.

Mr. Rowell: I think you've got the right document, you need to go further back.

Mr. Guard: This is the one that shows level of service C, Attachment B with the measures?

Mr. Rowell: It shows all movements will operate a level of service C or better, the overall intersection will operate at B.

Mr. Guard: Delay of 28 seconds.

Mr. Rowell: Yeah, that's the longest movement. The last number I gave you included the impacts of taking of traffic out of drive I and putting back into that driveway.

Mr. Hedani: Jonathan, it's the second to the last sheet on their submission.

Ms. Cua: But that is based on the scenario of analysis without that driveway I.

Mr. Rowell: Yeah, well actually level of service was the same in both places.

Mr. Starr: In other words, we have to try to figure it out from this chart, this drawing here?

Mr. Rowell: No, it's in the discussion.

Mr. Guard: It shows with drive I and without drive, 23.5 seconds with drive I.

Mr. Rowell: You're looking at a different attachment, okay.

Mr. Guard: Well, that's the one that shows the mitigation measures.

Mr. Starr: Can you show it to me in this book?

Ms. Freitas: Look at the last page Jonathan.

Mr. Hedani: Okay, we might want to wait until Ann completes her report on her presentation for this particular project before we address that question because what's included in that packet is what's prepared by staff.

Mr. Rowell: What you're looking at is the addendum that we prepared for DOT that assessed the impacts of taking out drive I off of Puunene Avenue. And what I have given you here and these two, this page, well Attachment A and Attachment B of that addendum is I've shown you Attachment A is what the level of service would be with and without drive I, a.m. and p.m., okay. What is here reflects the mitigation measures that we recommended in the report. So this says the overall level of service with drive I and without drive I, a.m. with be level of service B and then in the afternoon peak hour, the level of service at this intersection will change from level of – will be level of service C, and that's with and without drive I.

Mr. Starr: Is there anywhere that you've given us a chart that shows the level of service conditions after your mitigation measures for the different intersections? I mean, you give us all these other charts, but you don't seem to give us a chart that shows what it's actually

going to be. That's what I'm looking for. Does such a document exist?

Mr. Rowell: I have done it in some reports, and in some I don't. Depends on the extent of the mitigation measures and the various scenarios, but I can in the future.

Mr. Starr: I mean, all we seem to have here, you know it's like in a footnote mentioned that I can't even find the footnote that you're referring to. This is very, very confusing.

Mr. Rowell: Well, I think what's confusing to you is you don't – number one you don't have the entire traffic report there in front of you so you can read the discussion on what the mitigation is or what's recommended at least and then what the levels of service are that's in the discussion. And then on top of that, then you have an addendum that reflects the mitigation with and without drive I. So I think what the problem is the addendum came several months after the traffic study was written and therefore, you're looking at two different documents and the first one you don't have the complete document.

Mr. Starr: Once again, I object to the fact that we're dealing with confusing and incomplete documentation which otherwise tarnishes a good project. But I do have some other questions here.

Now in this document which now I'm told it's not the right document or not complete or something but it is the only document we have and the one we're deciding on today, it has a paragraph on Exhibit page 46, "not shown on the list of related projects is the proposed superferry. SDOT Harbors and the EIS consultant were contacted regarding the traffic characteristics of the superferry we were advised that no peak hour traffic will be generated by the superferry." Frankly, that's a statement I have difficulty believing but I'll go with it. "Therefore, the superferry will not impact peak hour traffic conditions in the study area." Now, I'm interested to know who the EIS consultant that you contacted are. The EIS consultant for I believe, it's for the superferry is what is stated in your Appendix F.

Mr. Rowell: Right. Let me just clarify that. That is the official position.

Mr. Starr: I'd like to know who it is. I would, just to refresh your memory I'd like to read from Appendix F which says, "during a comment period for Kahului Town Center TIAR, comments were received from Maui County Planning Department, Maui County Planning Commission and State Department of Transportation relative to traffic impacts of the superferry. While the superferry is not part of the proposed project, the task of identifying the impacts of the superferry were put upon the Kahului Town Center TIAR. A copy of the draft EIS for the superferry was obtained and reviewed. The EIS for the superferry was consistent with discussions with the consultant preparing the EIS and with SDOT Harbors. The EIS implied that there would be no impacts on peak hour traffic conditions in the study area." This conclusion was cited in the draft TIAR. Now to refresh your memory when we

did have the meeting regarding the EA, there was some discussion about this in which I had, we had discussed this EIS for the superferry which you said you had indeed reviewed and I had asked for a copy and I was told that I would be given a copy. If you want, I'll be happy to read the wording from the minutes here.

Mr. Rowell: No, and I –

Mr. Starr: Can you tell you me how the consultant is and –

Mr. Rowell: Can I speak – Can I clarify something please?

Mr. Starr: Please go ahead.

Mr. Rowell: It was a traffic impact study, not an Environmental Impact Statement. That was a mistake on my part.

Mr. Starr: So you – did you lie –

Mr. Rowell: No --

Mr. Starr: You lied in the –

Mr. Hedani: Gentlemen, gentlemen can we speak one party at a time so that the proceedings which are being recorded can be transcribed in a logical manner?

Mr. Rowell: It was a traffic impact study and a copy of that was provided as an Appendix in the draft traffic study that we submitted some months ago. That should be in the documentation if you have the draft EIS. If you don't, it was my understanding that one was going to be sent to you. But it was a traffic impact study not a draft EIS. If you do not get a copy, I can get you one.

Mr. Starr: Okay, so you said that –

Mr. Hedani: Commissioner Starr, can you try to conclude your question there are other members of the commission that have questions.

Mr. Starr: No, I won't conclude it at this time. I will conclude it in my own time. This is important and I will not be silenced on this Mr. Chair.

Mr. Hedani: I'm not cutting you off, I'm just saying there are other members of the commission that would like to pose some questions.

Mr. Starr: Okay, thank you. But I will not be cut off. Anyway, in Appendix F which is part of the EA document, you state that you reviewed this EIS document and you talked with the consultant. Are you telling us now that what you said here is not true?

Mr. Rowell: What I said – there is no EIS. What I have is a traffic impact study. To the best of my knowledge there is no EIS and that is incorrect in my appendix, correct.

Mr. Starr: Then how about in the documentation that we received today for this current hearing on the SMA where you say that the EIS consultant was contacted and they gave you information.

Mr. Rowell: At the time that I wrote that section it was not decided to the best of my knowledge at least whether there would be an EIS or traffic study or anything. I knew that they were in process of preparing a traffic impact study which was the only thing that I was interested in. And I was able to get a draft copy of that and the draft copy quite honestly did not have any recommendations in the report. It only gave me an analysis of what is out there and what they expected in terms of traffic that would be generated by the superferry. The traffic numbers in that document were what I would call midday. They were not during the peak hour. When we had some subsequent meetings with DOT and with the County it was decided that what we would do is we would take a worst case scenario and add the peak hour traffic to the p.m. peak hour which would be a worst case scenario and that's what you have in the appendix. So we've attempted to at least address the worst case traffic situation that would be a result of superimposing not only the peak hour of the project but the peak hour of the superferry and the peak hour of all the related projects all at the same time.

Mr. Starr: So what you're saying is what you written here and what we have in the EA document are incorrect. You gave us incorrect information?

Mr. Rowell: If that's the way you're interpreting it, yes.

Mr. Starr: Well, no, I'm not interpreting. All I'm saying is I'm reading you what we've been given and I'm asking you if it is true.

Mr. Rowell: Commissioner Starr, even if I had a full EIS, the only part I'm qualified to comment on is the traffic impact study.

Mr. Starr: No, you're qualified to comment on whether you spoke with the EIS consultant, who that is and you're qualified to say, a copy of the draft EIS for the superferry was obtained and reviewed. Lets just take that one sentence.

Mr. Rowell: I think I've already answered that a couple times.

Mr. Starr: A copy of the draft EIS for the superferry was obtained and reviewed. Is that true or not?

Mr. Rowell: We talked to the consultant preparing the traffic impact study.

Mr. Starr: No.

Mr. Rowell: I have said, excuse me, excuse me –

Mr. Starr: A copy of the draft EIS was obtained and reviewed. I'm asking whether that is a true statement or not.

Mr. Rowell: I have answered that question and answered that question.

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: I had a few comments which probably were addressed before. One comment is I'm not totally thrilled – I'm sorry, it's not addressed to you.

Mr. Rowell: Okay.

Mr. Hiranaga: I'm not totally thrilled with the street name, "Town Center Drive." I would have preferred something of a Hawaiianna nature. Just a comment. Question, is Kinau and Town Center Drive are those going to be county dedicated or private roadways?

Mr. Hart: Those would be private roads.

Mr. Hiranaga: So as far as the ownership of the fee that will be retained by A & B and the residential units will be leasehold?

Mr. Darren Lake: The residential units would be fee simple condominium units and we're also looking at for some of the commercial space to offer those as fee simple condominiums as well.

Mr. Hiranaga: So like for quadrant 3, A & B is going to sell the fee below the buildings to the condo unit owners?

Mr. Lake: Yes. Right now the plan is for the retail space to be retained as condominium units owned by A & B so that we can control the tenant mix and make it a successful shopping center.

Mr. Hiranaga: I see. So the entire quadrant would be condominiumized into retail and residential condo units. But the condo residential units would be sold fee simple to the occupants?

Mr. Lake: That's correct.

Mr. Hiranaga: Not totally thrilled with the height of the buildings on Kaahumanu Avenue. I know it's a little late in the game but personally just for a comment I would have preferred the height of the buildings be set at the same height that the existing Kahului Building is set at and I believe the new buildings will be a higher elevation, 10 or 15 feet higher than the existing Kahului Building?

Mr. Steve Marlette: What we're trying to do, you can see – I have a plan of that somewhere here. This is the current Kahului Building right here which is basically a four-story building, 54 feet in overall height. What we're doing is, it has some deficiencies on the lower level where it's primarily in office space. So one thing that we're doing, proportionally is beefing up the floor to floor height on just the lower level. Conceptually for two reasons. One to make it a little bit more viable retail space, and secondly such that, in these various quadrants we can get an intermediate level of parking in there before we hit the – what would be the first level of residential. So you can walk directly in from the first level of residential in. So that puts us up to I believe it is a 22-foot overall height in there. And so what we're doing is a lot of ups and downs in the overall massing, and ins and outs in the overall massing. So you can see we're up at roughly 80 feet to the peak of the highest point which is actually set back from the street quite a ways, 71 feet in here and it comes up and down anywhere from about 60 feet to 71 feet in height, but again, just the peak.

Mr. Hiranaga: I'm not that familiar with this project, did you say that the retail space is two stories and then the residential is behind the retail or is it on top of the retail?

Mr. Marlette: It's on top of the retail. So generally the lower level of each of these is retail and then residential or office space sort of springs from that point up. So the highest point which is quadrant 3 is four levels of residential sitting on top of retail.

Mr. Hiranaga: Again, I just wanted to make the comment that I would have preferred the building heights remain consistent with the existing Kahului Building. Just my personal comment.

Regarding the monkey pod trees, I'm just concerned about the root system of the monkey pods and how you're going to control them within that 15 by 15 foot planting area because if you look at the current situation at the Kahului Shopping Center, the pavement's been lifted up by all the tree roots.

Mr. Hart: We'll have Bill Mitchell comment on that. You have to realize that when the Kahului Shopping Center was built those – there's a lot of technology that's kind of gone into controlling the roots since those days. So Bill you can comment.

Mr. Bill Mitchell: Great point. A lot of discussion. Two things that we do today that obviously practices that weren't put in place at the time that the original Kahului Shopping Center was built was one was root barriers, the second is deep watering tubes. Typically roots come back to the surfaces as a function of not getting water into the root zones. Case in point, Wailea Alanui Drive right across from the Grand Wailea, about a ten-foot wide median there. Those trees were installed roughly 20 years ago and if you'll notice they've had no root problems on Wailea Alanui. They used four-foot root barriers down both sides of the curb and they also have adequate water and that practice has been successful also in the Wailea Shopping Center, same condition where we have narrow planters and it's primarily a function of the initial tree planting and watering practices to keep those roots down. One advantage we do have here is we have – the ground water is quite close to the surface and typically monkey pods once they get into the ground water, their roots will stay down and won't come back up. So very good point and we are considering that.

Mr. Hiranaga: Thank you. May I ask one more question?

Mr. Hedani: Proceed.

Mr. Hiranaga: Thank you. Not regarding trees, sorry. Just returning to the quadrant 3. The setback from the property line along Kaahumanu Avenue for the buildings, how far back from the property line is the buildings set back?

Mr. Marlette: It varies a little bit, but generally it ranges anywhere from 20 to 25 feet typically.

Mr. Hiranaga: Okay.

Mr. Marlette: We have power lines along the front edge and we're just trying to buffer things and stay back away from those as much as possible. Pulling it back allows us to get away from the power lines and allows us to implement landscaping and transition I guess you might say between the street and the overall development.

Mr. Hiranaga: Okay, thank you.

Mr. Hedani: Any other questions from the commission? Commissioner Starr.

Mr. Starr: Yeah, Mr. Hart.

Mr. Hart: Yes, sir.

Mr. Starr: I notice your name and your firm's name are on the documents we're reviewing today for the SMA as well as for the EA.

Mr. Hart: Yes, that's correct.

Mr. Starr: I would like to hear directly from you how it is that we have these comments where you say that you reviewed the EIS for the superferry and then where you also say that the EIS consultant was consulted. I mean, you were the Planning Director of the County, you're a man with great experience. You certainly know the difference between an EIS and a TIAR or anything else. Please give us an explanation of this because I do believe that it is essential for this body which is the authority in these matters to have documentation that we can believe, that we can depend on, that we don't have to question and when something comes up and you know, we're told that what we gave you and you approved is not true, it really shakes my confidence in the very system that we're responsible for for pursuing here.

Mr. Hart: Okay. If I could, if you recall back in September 12, 2006, when we presented the draft EA? Do you remember you asked, you talked specifically about what's going to be the impact of the superferry? Do you remember that?

Mr. Starr: Yeah, I asked you to find the impacts.

Mr. Hart: Do you remember that?

Mr. Starr: Yes, sir.

Mr. Hart: Okay, our consultant took it upon himself to basically ferret that out to try to find some sort of documentation to please you, and he did. There was a study that was done by CH2M Hill on behalf of the superferry. Now, the superferry at that time and even today is not sure whether or not they'll have to do an environmental impact statement. Is that a fair analysis?

Mr. Starr: It was a fair analysis until you gave me a document which is now filed with the State that you – a copy of the draft EIS for the superferry was obtained and reviewed.

Mr. Hart: What I said was, our traffic consultant –

Mr. Hedani: Chris, can you direct your comments to the Chair?

Mr. Hart: Okay, Mr. Chairman.

Mr. Hedani: Yes Chris.

Mr. Hart: Our traffic consultant in order to respond to a comment from this planning commission, a commissioner, took it upon himself to try to find a study. Now whether or not that study was part of or was going to be part of an environmental impact statement, we do not have – we are not able to verify that. And I can only apologize if there's a misstatement in our traffic impact analysis report that says it was actually part of an environmental impact statement. We do not know that. We do not know that. But we do know that the superferry contacted – contracted with CH2M Hill to study the traffic impact of the superferry in Kahului. And we, essentially there were no conclusions but he was able to get the information regarding the traffic generation and the time which was off peak hours that they're going to be actually landing. They're not going to be landing during peak hours and he was able to basically incorporate that information into his traffic impact analysis report. How I apologize if there's any confusion about that, but that is what was done and that information was incorporated into our traffic impact analysis report. Whether there ever is an environmental impact statement, I do not have any control over that.

Mr. Starr: Okay, I accept what you say, however, –

Mr. Hedani: Commissioner Starr, do you have a question for him?

Mr. Starr: Yes, Mr. Chair, I do.

Mr. Hedani: Go ahead.

Mr. Starr: Thank you. I accept what you say, and I appreciate that. However, I would like to hear from you clearly whether you – whether it was a mistake when you submitted to us and wrote, “a copy of the draft EIS for the superferry was obtained and reviewed.” Now is that – if that was a mistake then please state it and I'll appreciate it and it will raise you in my esteem very much.

Mr. Hart: It was a mistake Mr. Starr.

Mr. Starr: Thank you. In other words, that an incorrect statement.

Mr. Hart: That was an incorrect statement. But it was part of an anticipated draft and that's where the traffic or that's where the traffic engineer made a mistake. It was an assumption that he should not have made.

Mr. Starr: Thank you.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: On page 25, am I reading this correctly that you actually could go a story higher than you are going?

Mr. Hart: Yes, basically the B-2 Business District zoning does allow for six stories. The maximum height for this project is five stories, that's correct.

Ms. Freitas: On all the buildings?

Mr. Hart: That's correct.

Ms. Freitas: Thank you.

Mr. Hedani: Other questions from the commission? Commissioner Guard.

Mr. Guard: Just a comment on this and maybe when the more detailed drawings come up, on Town Center Drive or on Kinau is there a space allocated for I guess wherever there's going to be public restrooms to possibly have a small police substation office, even if it is necessary in the future? Johanna may have a better idea, it seems like it's a popular thing in Wailuku and in other walkable neighborhoods that just to set some space aside for that somewhere.

Mr. Hart: I guess I would have to ask Darren Lake that, but I think that that sounds like a logical kind of – basically structure to have as part of the project.

Mr. Lake: That's definitely something that we could look into, but at this stage of the design we haven't incorporated that.

Mr. Guard: Just a comment for construction.

Mr. Lake: Okay.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: Just to back that up, I know that I think two other projects converted a maintenance room. So if they're there, these maintenance rooms they can be converted.

Mr. Hart: Sure. We would design it though as part of the restroom facility, an area set aside for bicycle racks and so on. You know it would be something that we would be designed into the project and I think that that is a logical kind of a use to have as part of the project, yes.

Mr. Hedani: Any other questions for the applicant? Commissioner Hiranaga.

Mr. Hiranaga: With this redevelopment of the Kahului Shopping Center block, are there any plans to update the Kahului Building because it appears you'll be redeveloping –

Mr. Hart: Around it.

Mr. Hiranaga: Yeah, the entire block except the Kahului Building. I was just wondering if you're going to do any exterior renovation to make it more consistent with the proposed development?

Mr. Hart: It hasn't been proposed as part of this project but maybe Darren would you like to comment on that?

Mr. Lake: At this time there is no plan to upgrade the architecture of the Kahului Building but I would add that within the project we're trying to have a mix of different architectural styles so that would be one example of architecture.

Mr. Hiranaga: Okay, thank you.

Mr. Hedani: Any other questions for the applicant? Commissioner Amarin.

Ms. Amarin: Thank you Chair. Chris, again this is a once in a life time project, well, not once in a life time this is the pilot for more best to come, but I know going in different phases with the construction, I know there's a lot of consideration because of the existing businesses. Are they all going to be incorporated into the project?

Mr. Hart: As part of the process, A & B had a public meeting and basically invited everybody, you know, that essentially are tenants and to actually come, it was at the old First Hawaiian Bank building in Kahului. It was actually before our February 28, 2006 presentation of the planning commission. And at that meeting there were a lot of people who are tenants there that are definitely looking to become tenants in the revitalized Kahului Town Center.

You know, it's not up to – A & B is going to definitely work with each one of the tenants and the opportunity is going to be available to them. My banker is Hawaii National Bank, and they're all excited they're going to be getting a new bank building as part of phase 1. So I know that that kind of dialogue is going with A & B but I really can't tell you that all of the tenants that are at Kahului Shopping Center, you know, will be, you know, incorporated and become part of Kahului Town Center. But every effort is made and definitely to communicate with them.

Ms. Amarin: Thank you very much. I mean there's a lot of history. You know, people will say oh, my dentist is in there. American Security Bank once occupied that building that is First Hawaiian and I started there in 1972 as a teller. I remember all of that. But there's been a lot of changes through the years and you know, the seniors they remember and they're going to be the ones to go there a lot too, you know, to enjoy this project. So thank you.

Mr. Hart: You're welcome.

Mr. Hedani: Any other additional questions for the applicant? Commissioner Hiranaga.

Mr. Hiranaga: Just one final comment. My father grew up on Vivau Street. So I'm very familiar with the Kahului Shopping Center and how its evolved since the 1950's. I just hope that as you build out the project and reach quadrant 3 that you may reconsider lowering the building heights. I know you're not obligated to do so, but it is a phased build out so as you approach construction drawings for quadrant 3, you reconsider the building heights. Thank you.

Mr. Hart: Okay, thank you.

Mr. Hedani: Okay, before we finish up any additional questions, we're going to take a short break. Before we go to break, I'd like to recognize a member of the audience that just stepped into the audience. He's working on his Citizenship in the Community Merit Badge, Jensen Takara, can you stand please. As you can see from the proceedings, democracy is sometimes messy and it's sometimes loud, but the bottom line of that entire process is to come up with a better project. Okay, we'll take a five-minute recess.

A recess was called at 10:37 a.m., and the meeting was reconvened at 10:49 a.m.

Mr. Hedani: Commission is back in session. Ann, before we proceed with your summation on the project, can we see if there's any other questions from the commission for the applicant?

Ms. Cua: Sure.

Mr. Hedani: Are there any other questions from the commission for the applicant? Commissioner Guard.

Mr. Guard: This is just in response to the height question. Do you have a idea, this might be for Steve, on the materials to use on the exterior just for being right on the ocean, to make sure the buildings keep their character without I guess falling apart depending on the siding or concrete products used?

Mr. Marlette: We do have a preliminary palette of materials that we are using on the project and it's a mix of various material. But as we get to those upper heights we're using GFRC which is a concrete reinforced product that won't degrade with, you know, time and UV and things like that. And a lot of the other things we're using – we're using a lot of hardy board siding, things like that, some infill with the EFS material, some stone, a variety of materials at the base. So we're very conscious of how things look over time.

Mr. Guard: Thank you.

Mr. Hedani: Additional questions? Commissioner Amarin.

Ms. Amarin: Thank you Chair. I have a concern because of the threat of tsunami and because of technology and all of this update with the construction of the buildings, are they more solid the new buildings? And because of the height, isn't it best -- you do have the heights so the people can go up to the top level just in case?

Mr. Marlette: That's a little bit of twofold question. Generally yes, it's all built to the most recent codes and if it's anything like my structural engineer, he's very, very conservative when it comes to things like that. The front of quadrant 3, down in this area is within the inundation zone and generally what we're doing is we're putting the building up on piers at that location so water can actually come into the front of the building and actually flow under the building and flow back out. So that takes care of one portion of your question. The other, as far as going higher in the building, I don't have – I'm not by any means an expert on that, but I'd have a tendency to maybe stay a little bit lower in situations like that.

Ms. Amarin: I don't know every time you hear a tsunami's coming get to higher ground, so that was my reflection with my statements to you.

Mr. Hedani: Kula, Kula is the safest. Commissioner Starr.

Mr. Starr: Yeah, can we get a time table on the build out and whether the park and the avenues will be done – where in the project when it will be done.

Mr. Marlette: Yes, let me just touch on that. I can shed a little bit of light because we're trying to put that puzzle together right now. Generally what comes into play first.

Mr. Starr: Why don't you show us on the drawing behind you.

Mr. Marlette: What comes into play first is the roads primarily that comes into the roundabout and out to Kamehameha and Kaahumanu Drive. So that is in design right now. The first phase of construction is a little bit complicated but is intended to be these two

buildings and potentially this building in the back. Again, one of the reasons that we're asking for an extension on the SMA permit because it's sort of a little bit of a shell game there's a lot of existing tenants on the site that we're trying to accommodate. For instance, we have a Title Guarantee right here now and we're trying to keep those – that in place potentially, building another building, move them into that so that we can demo that out, so that all takes time. As part of the first phase of the project the intent is the commercial spaces that's on the frontage on Kinau and Town Center Drive as well as the park and the first phases of the farmer's market. We'd anticipate that grouping being part of the first phase and we'd like to say by the end of the year, there's probably permit submittal for that work.

As you see, the rest of the phases it's like the second phase is going to be housing phase. Right now A & B has got the – one of the other projects in for permit which is the Lono – the Kane project and economics will drive the timing of that project. Anticipated after that probably the quadrant 3 housing, and it's again, it's completely driven by economics as far as when that timing comes on place, but we would like to see by the end of the year a permit submittal for the first phase of the project.

Mr. Hedani: Any other questions for the applicant? Commissioner Guard.

Mr. Guard: Sorry, I keep bringing up more questions. This one is definitely not for Steve, maybe Chris would be able to identify who it should go to. In the report it discusses a five-acre parcel for parks, somewhere in Kahului, going up. I guess part of my question or comment is would we be able to upgrade the facilities Oceanside of this? There's some park land, there's a major homeless and drug problem in that parking lot to either maybe use some of the park credit for lighting and landscaping and even to improve the facilities at Kanaha Beach Park to kind of improve facilities we have instead of just getting another five-acre park. It's been in the paper. You see a lot of Letters to the Editor. It's one of the rare projects that would be able to actually accommodate improving existing park facilities.

Ms. Cua: The only way I'm able to respond to that is that the request for five acres of land came from the Parks Department. And in my reading of their letter, they are looking for new lands. I'm sure you get no – you will get no negative feedback from the applicant to pursue that issue. You know, the one thing if you look at page 41 under Parks, they've already come out and said that for the half-acre park that the applicant is putting in, so this here, they're not going to give them any credit. And you know, again, my understanding of reading their comments is they want to add an additional five acres to the inventory, but you know, that is definitely something that, you know, we can put forth to the Parks Department and maybe the applicant can, you know, explore some discussions, give the Parks Department the minutes of this meeting with your comments and see where that goes.

Mr. Guard: Yeah, I would appreciate that. I think it would be a good benefit to this whole new community as well instead of a five-acre off site to accommodate kids would be able to walk right across the street. You have a beach there to make a safer park. The patrol officers are in there every day having to run numerous people out of there, arresting people all the time, syringes on the beach. It would maybe a good opportunity to clean up the neighborhood and make it safer for other kids even from Harbor Lights just as a positive impact on the community as a whole.

Ms. Cua: We may need to revisit this issue again when we go through the recommendations because as you probably are aware from reading the draft recommendations that the Planning Department put out we did put a specific condition about the five acres. And that's again in direct response to comments that we got from the Parks Department. So when we get to that point maybe we can take a look at that language and see. But it's sort of ultimately their decision what they accept.

Mr. Hedani: Okay, do we have any additional questions for the applicant at this point?

Mr. Guard: Oh, I guess this would probably be for Ann.

Ms. Cua: You want me to do my presentation?

Mr. Guard: I guess just before that, what's the per unit park credit that Kahului area has to pay?

Ms. Cua: The fee?

Mr. Guard: The fee.

Ms. Cua: I know it's just gone up. I think it's over \$11,000 is what they're saying.

Mr. Guard: \$11,000? So for five acres. Okay.

Ms. Cua: Well, it's per unit.

Mr. Guard: Per unit, yeah. Okay, so there should be some available to work some deal out with the county to maybe get something new and maybe kind of take care of existing parks as well on the county side.

Mr. Hedani: Any other final questions for the applicant? Okay, Ann you want to make your presentation.

Mr. Starr: Did we have public hearing?

Mr. Hedani: After her presentation.

Ms. Cua presented the analysis of the Maui Planning Department's Report.

Mr. Hedani: Questions for staff? Commissioner Starr.

Mr. Starr: Yeah, why field stock instead of replanting? I'm just not knowledgeable about it.

Ms. Cua: I'm not as knowledgeable as the committee, but what I understand and what we talked about at the committee level is that in a perfect world all of those large trees would be able to be in the place that they're at or relocated as part of this project. But each tree is in a different condition based on years, based just on general health and that's why they felt an assessment needs to be done of every single tree. And they recognize that that assessment that is done is going to put forth some trees that are not going to be able to withstand being taken out of the ground and moved. So they're saying okay, for those particular trees, we don't want you to get – normally what we require is – we used to say, a 25-gallon size tree. We've learned over the years that that doesn't mean very much because somebody can take a 15-gallon size tree and put it in a 25-gallon pot, you're going to pay a price for a 25-gallon tree, but you get a 15-gallon pot size tree. So now what we say when we give our approvals is we say, when you plant it in the ground, after it is planted it needs to be a minimum six to eight feet high with a two-inch caliper. That gives clearer direction. Did I answer your question?

Mr. Starr: A yeah. So in other words if a tree is replantable, it's good shape from the evaluation then they can replant it, they're not to replace it.

Ms. Cua: Correct. And they want that as much as possible.

Mr. Starr: Oh okay, that's what I thought.

Ms. Cua: Yeah.

Mr. Starr: Second question, the police evaluation as far as sight lines and lighting and all that, does that preclude the use of the low pressure sodium lighting?

Ms. Cua: You know, I don't know. I know that the police had concerns about the county's lighting ordinance that Night Sky Ordinance. I know they had concerns about that. I don't know specifically. I don't think they've reviewed a specific lighting plan for this particular project yet. Have they? No. I don't think they're at that level yet.

Mr. Starr: You know, I know I'm in favor of the LPS especially inside a project like this because you know, when you look at say from Wailuku Heights or Kula it's a lot more

organic and a lot less glaring than a real bluish lights. I'm just hoping that the agreement with the Police Department won't preclude them from using the LPS.

Ms. Cua: I don't know what the Police Department's position on that is. I know for them, they look at it differently than we do. They're looking at just mere safety. Are they going to have enough lighting to see what's going on in there? And that's as much as I know.

Mr. Starr: And I get one more quick on Mr. Chair?

Mr. Hedani: I think the Police Department's position on low pressure sodium lighting is that they're opposed to low pressure sodium. They're not opposed to high pressure sodium. They're not opposed to full cut off down lighting. But they have a problem with the monochromatic nature of low pressure sodium. One question and then we'll alternate.

Mr. Starr: And this is a, I would guess it's more a general process question. In the future can we please get a chart like this that shows the LOS conditions after build out and that be clearly marked that that's the one that we expect to – that's what we expect to see in five years.

Ms. Cua: I already made a note of that and we will notify our staff because as the applicant mentioned we do not always, a lot of traffic studies that I recalled we don't always have, get that information. It's basically these are the existing levels of service with the project, without the project and these are the recommended conditions.

Mr. Hedani: Commissioner Guard.

Mr. Guard: Thank you. This is a thorough set of conditions here. I may be ignorant on this and so maybe Darren or something, I don't know where five acres in Kahului is available for a park? I'm just trying to – especially close to this region.

Ms. Cua: Do you want to bring that up when we go through the recommendations or are you going to just have –

Mr. Guard: I was just going to ask him if they – I mean, if that was in a preconsultation meeting if they had an idea of a five-acre piece available. I just wondered they were contemplating putting that park. If it was going to be in like an industrial area out by Puunene versus somewhere in another infill area.

Mr. Darren Lake: They were looking at a couple different potential options, but specifically I'm not sure what we would end up with.

Mr. Guard: Oh but you have a few large parcels available?

Mr. Lake: There are a few things that potentially could work for that. And I think Ann will address this later but we're going to ask that that condition be changed to rather than a five-acre parcel, five acres of land in the project area.

Mr. Guard: Okay.

Mr. Hedani: Okay, are there any final questions? I've just been informed that we're going to have to be at our luncheon location by 11:45 and that's located in Maalaea. So if we can just finally pick up one more question or two more questions then recess.

Mr. Guard: Okay, can I just finish up then?

Mr. Hedani: Commissioner Guard.

Mr. Guard: I guess with Ann, we'll discuss that and maybe there's a way to do a combination of existing parks and maybe less than five-acres of land.

Ms. Cua: The condition, you know, I've already amended the condition basically to say five acres of land not necessarily a five-acre parcel, but how that's worked out with the Department of Parks and Recreation, I don't know. Maybe we can add some –

Mr. Guard: So is it easier to just send out notes saying that maybe some in-lieu fee. I mean land in Kahului is fairly pricey right now so I can see that five acres might get up to four or five million dollars as an established park versus granting Maui Nui Botanical Gardens, YMCA, Lai ..(inaudible)... Kai, some canoe clubs or helping existing organizations improve the parks that they're working on. I mean these are the facilities that need some help. Kanaha Beach Park restroom facilities that are always flooded, Kokua Pool that hasn't been working for almost a year probably. I mean, there might be other options than trying to take away or not take away but find more existing land.

Ms. Cua: If you like, during the lunch break I can see if we can get, you know, Parks to run up here because, you know, we can say what we think would be great, but I know they're pretty strong on bringing in new park areas. And so maybe if they hear directly from you, I don't know if we'll be able under the short notice, but we can try.

Mr. Hedani: They're indicating in their comments they're looking for property that's suitable for ball field space. Commissioner Amarin.

Ms. Amarin: Thank you Chair. Ann, speaking about the off site parking, the demand arises, do they know where they're going to target? What area for off site parking?

Ms. Cua: No. Because they don't know if in fact if they're even going to even subdivide this

piece. If they don't subdivide this piece there will be no off site parking application because the parking will be provided on – oh wait, no, no, no, I take that back. The property is made out of several TMKs right now. If they consolidate it into one TMK then there will be no off site parking application needed because it will all be one TMK. If it remains the way it is, there will most likely need to be an off site parking or even if they cut it up differently. Let's say they cut it up into four quadrants, there is going to need to be off site parking requested because if you look at the tables that are on pages, okay, starting at page 11 – 11, 12, and 13 and I need to make a correction, on page 13, that table should say quadrant 4 density not quadrant 3. If you look at the sections on parking in each of these tables, it talks about there's going to be this many parking stalls required for this quadrant, but some of the stalls are going to be located on a different quadrant. So that is where the off site parking would be triggered from.

Mr. Hedani: So from the commission's perspective off site will still be located within the four corners of that picture?

Ms. Cua: Right. Right, it's just a technicality that if it's not on the TMK parcel, it's off site.

Ms. Amorin: Thank you for clearing that up. Thank you.

Mr. Hedani: Jonathan.

Mr. Starr: Well, okay, just a quick comment though. I you know I agree with Commissioner Guard that we need to fix up the existing parks, but you know, I also think we desperately need more ball fields in Kahului as it grows. So I don't want it to be considered the feeling of the organization quite yet that we don't need the five acres. We should discuss it.

Mr. Hedani: Any other last questions? Doc, you have a question? Okay, why don't we take a break? We're going to go ahead and have our farewell luncheon for our two esteemed commissioners and we're going to reconvene at this location at 1:30 p.m. ...(inaudible – changing of tape)....

A recess was called at 11:36 a.m., and the meeting was reconvened at 1:52 p.m.

Mr. Hedani: Let go ahead and finish up the Item C-1 with any additional questions for staff at this point? Okay, seeing no additional questions for staff, are there any members of the public that would like to testimony on this agenda item at this time?

a) Public Hearing

Mr. Hedani: Seeing none, the public hearing is closed. Staff recommendation.

b) Recommendation

Ms. Cua presented the Recommendation.

Mr. Hedani: Any questions from the Commission?

Mr. Starr: I have a motion.

Mr. Hedani: Commissioners what's your pleasure? Commissioner Starr.

Mr. Starr: Yeah, I move to approve with conditions as per department's recommendations.

Ms. Freitas: I second that.

Mr. Hedani: Moved by Commissioner Starr, seconded by Commissioner Freitas. Discussion? Commissioner Iaconetti.

Mr. Iaconetti: What are we doing about the time element? As this reads or the 10 years?

Ms. Freitas: 10.

Mr. Hedani: The motion is as per the recommendation. So the recommendation is as it's stated.

Ms. Cua: It's five years unless you – I was just letting you know that we –

Mr. Guard: ...(inaudible)...

Ms. Cua: Yeah.

Mr. Hedani: You would have to amend it to 10 years if you want it to go to 10 years. Commissioner Starr.

Mr. Starr: Speaking on that issue my preference is to maintain the five years which has always been the case rather than making this a special case. And if they do run over they can always come back to the commission. I think that's a good idea, because right now we're giving them, it seems like eight years and in eight years a lot of new things come on the radar and if it goes beyond that, then the commission should be able to deal with that at that time rather than just make it 13 years, that's an awful long time.

Mr. Hedani: Additional discussion? Commissioner Freitas.

Ms. Freitas: Ann, do you know if the department is looking to change that? You say you always use five but are you looking to maybe change that?

Ms. Cua: Not to my knowledge, no.

Mr. Hedani: Chris you want to offer a comment on that?

Mr. Hart: Thank you very much Ann. The only comments I have – first of all, I'd like to, in calling your attention to condition no. 1, the time limit for beginning construction has been changed. It was two years now it's three. Secondly, with regard to completing construction, again, this is a large project and there is one precedent which was actually back in the mid-'80's, it was the Maalaea Triangle project which was a shopping center project and it did have Urban Design Guidelines similar to this project and essentially at that time there was no time limit for completion of a project in the special management area. That time limit of five years was established I think probably around 1992. And so you know, our feeling is that you know this project is a project that it is quite a large project, quite a large undertaking and you know, with the fact that we do have Urban Design Guidelines for the project you know, we feel it would be appropriate to be able to think in terms of 10 years.

Now one other thing about this condition no. 2, even with the five years, there's a statement that says, "failure to complete construction of this project will require unfinished portions of the project to obtain a new special management area permit." Now if there's really no change in the project, it's really difficult to understand why we would have to go through another special management area permit so that's a little bit difficult.

So the two things that we'd be interested in would be to be able to get 10 years and then essentially be able to – you know, if there's no change in the project be able to talk to the Planning Director and basically apply for an extension. That's how we would like to have it read.

Mr. Hedani: Thank you. Commissioner Freitas.

Ms. Freitas: Chris if you could clarify something that you said. Before '92 there wouldn't even been this 10-year date or five-year date?

Mr. Hart: My time as Planning Director ending in January 1991, and at that time there was no requirement for completion of SMA permits. There was a two-year period of time within which we had to start. I think Brian Miskae actually established the five-year completion deadline.

Ms. Suyama: Maybe I can clarify? What happened is that in the past some of the old

Special Management Area permits did not have a construction completion date. So what happened is that these permits were good indefinitely. So in other words, 10, 15, 20 years could have passed without the construction being completed and that's too long a period because there's dynamic changes that happen in areas, you know, over time. So what happened is that the commission established that we would set a time limit when the projects had to be completed and they set that as five years with the possibility of future extensions. And it meant that you come back to the commission, you explain why you were not able to complete the project within the five-year term and a lot of times it based upon financial reasons and whether there were any changes in the situation of the project that necessitated maybe additional conditions being attached to it. So that was the reason for, you know, having at least a definite completion date.

Ms. Freitas: Can I talk to Colleen again?

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: So when that five years was established, do you think that five is still the number or do you think that that could be wrong?

Ms. Suyama: In most cases five years is more than enough time to complete it. When you talk about a long term phase project then at that point it may not be appropriate because they're coming up in advance telling you that this project is a long term project that's going to take more than the necessary five years that is normally what the commission establishes. But it is the call of the commission whether they want to see the renewal process be appropriate for this with the five years or whether they want to give a longer term.

Ms. Freitas: Okay, just one more thing. And so when they do believe that should have to get an SMA again?

Ms. Suyama: The only time they need to get a new SMA is if they fail to get the time extension. In other words, there's a process that you can ask for a time extension but if you fail to get a time extension, the permit actually expires at that point. And at that point, whatever you have not completed as part of the original SMA permit, you need to come back and get a new one.

Mr. Hedani: From a standpoint of clarification, with the recommendation that's sitting before the commission as it reads right now, does the department have a problem with their coming back for an extension which does not require a new SMA which is what this language says?

Ms. Cua: No, not at all. That's typical where I'm not sure if this is on, but it's typical for any

project not necessarily only large projects that for whatever reasons whether it's the permitting process, finances, you know, there's reasons where you've seen before because you've processed time extensions for numbers of permits and currently the way your rules read, the department does not have the authority to grant SMA permit ext extensions. Hopefully that will change in the future because you know, I think that is a relatively small item for this body to be considering in some instances. But there's always the caveat that we can bring anything to you at any point in time. But no, it's not definitely not a problem for this and any other project if they get the five-year period where supposed to complete construction if they file for an extension request, you know, we'd take a look at the situation, why the project isn't finished and you know, you've seen our recommendation and I don't think we've ever, that I can recall, recommended that it be denied.

Mr. Hedani: So condition no. 2 should actually read, "failure to complete construction of this project will require unfinished portions of the project to obtain a new special management area permit if a time extension has not been granted."

Ms. Cua: I mean it could say – I mean, it's assumed that.

Ms. Suyama: I have a simple, here, it should be, "failure to complete construction of this project within the specified time limit will require unfinished portions of the project to obtain a new special management area permit."

Mr. Hedani: That still means they have to finish the entire project within five years.

Ms. Cua: That's the same thing.

Ms. Suyama: Right, unless the time extension is granted.

Ms. Cua: But doesn't the next sentence say that? "A time extension shall be requested no later than 90 days prior to the completion date, completion deadline." If you get your time extension in prior to the expiration date, it would kind of be a moot issue. But I --

Ms. Suyama: Well, to be clear, it should be construction of this project within the specified time period unless a time extension is granted. Will require unfinished portions of the project to obtain and use special management area permit. The next line all it says is that a time extension shall be requested no later than 90 days prior to the completion date.

Ms. Cua: Okay, we can add that and amend your standard –

Ms. Suyama: Condition.

Mr. Hedani: Is there any objection from the commission to the amendment? Okay, further

discussion? Ready for the question?

It was moved by Mr. Starr, seconded by Ms. Freitas, then

**VOTED: To Accept the Recommendation of Approval for the Special Management Area Use Permit, as Amended.
(Assenting – J. Starr, S. Freitas, K. Hiranaga, J. Guard, J. Amorin, W. Iaconetti, P. Eason)
(Excused – B. U'u)**

Mr. Hedani: Carried. Thank you.

Mr. Starr: Mr. Chair?

Mr. Hedani: Commissioner Starr.

Mr. Starr: Can I make really quick comment related to this? Just that, you know, I'm happy that the five acres for new ball fields is going ahead in it, but I would like to help find ways to improve the parks condition in Kahului and the rest of Maui because they definitely need a funding source as Commissioner Guard stated before.

Mr. Hedani: I'd like to offer a comment to the applicant that the project is well thought out, it's well designed, hopefully it will be well executed. It brings very valuable components of smart growth and neo traditional town planning into the planning arena which is something good. And I think that it's a step in the right direction from the standpoint of planning and execution of newer modern communities. My compliments on the design and the failure to secure a ten-year extension of the project, I think from the commission's standpoint may be appropriate so that we avoid situations like the Kulima case in Oahu where you have a project that 20 years later under totally different conditions ends up with a backlash like a 750-foot setback which is sort of farfetched in my mind. And I think it goes beyond the purview of this commission where we will be rendering decisions far beyond the scope of when all of us would no longer be on the commission and new commissioners with new perspectives might be able to be brought to the table. So from that perspective, I think it's a well-thought out project and as long as the appropriate time extensions are filed within eight years you should be okay. You have a comment Clyde?

Mr. Clyde Murashige: Mr. Chairman and Members of the Commission on behalf of A & B Properties and our project team, we'd like to thank the commission for supporting the project and also sharing in the vision for Kahului Town Center. We feel that this is an integral part for the redevelopment of Kahului and it's a great step in the future and again, thank you very much.

Mr. Hedani: Thank you very much. Lets take a five-minute recess so we can set up for the next project.

A recess was called at 2:14 p.m., and the meeting was reconvened at 2:21 p.m.

2. LAHAINA CANNERY MALL, LLC requesting a Special Management Area Use Permit for the Lahaina Cannery Mall Expansion Project and related improvements involving the construction of an additional retail/office complex, a new retail/restaurant building, and related improvements at the Lahaina Cannery Mall in the vicinity of the Kapunakea Street intersection at TMK: 4-5-011: 002, 003, and 004, Lahaina, Island of Maui. (SM1 2006/0002) (P. Fasi)

Mr. Paul Fasi presented a brief overview of the project.

Mr. Hedani: Can we hear from the applicant?

Mr. Mark Roy: Good afternoon Chair Hedani and Members of the Maui Planning Commission. My name is Mark Roy, a planner with the firm Munekiyo and Hiraga and I'm here today as part of the project team representing the applicant, the proposed Lahaina Cannery Mall expansion project.

With me this afternoon is our members of the project team. We have Mr. Gus Gianulias, managing member of Lahaina Cannery Mall LLC representing the applicant. We have Gerald Hiyakumoto of Hiyakumoto and Higuchi Architects, the architect for the project. Mr. Russell Gushi is the landscape architect. Mr. Kirk Tanaka is also here with us today from RT Tanaka Engineers representing the civil engineer for the project. The traffic engineer is Wilson Okamoto Corporation, Ms. Kathy Leong is here today. And the project archaeologist, Erik Fredericksen from Xamanek Researches is also with us today. Myself and Michael Munekiyo of Munekiyo and Hiraga are also here today as planning consultants for the project.

The 16-acre Lahaina Cannery Mall property is located on the fringe of Lahaina Town and is bordered to the west by Front Street, to the north by Kapunakea Street, to the east by Honoapiilani Highway and to the south by Kahoma Street.

Here we have a regional location map just putting the property. This is the property in relationship to Lahaina Town. It's just on the outskirts of Lahaina Town. The property is composed of four contiguous parcels of land. The largest three parcels, parcels 2, 3 and 4 which Paul mentioned are zoned M-1 Light Industrial District. The applicant also owns a portion of parcel 1. Parcel 1 is just here. This is a small remnant parcel of land created as a result of the 1990 Kahoma Stream flood control project. Parcel 1 situated along the

southern boundary of the property is zoned A-1 Apartment District.

We have land use surrounding the property includes single family residential housing to the north along Kapunakea Street. Light industrial commercial uses on Keawe Street along Honoapiilani Highway. Vacant lands and Mala Wharf on the Lahaina Town side of Kahoma Stream and various visitor related activities along Front Street including the Old Lahaina Luau and Aloha Mixed Plate Restaurant.

Here we have an aerial site photo showing the property boundary. We have Kahoma Stream along the southern boundary as I mentioned, Front Street, Honoapiilani Highway and Kapunakea Street. Single family residential housing on the north side of the property and ongoing commercial development, the Lahaina Gateway Shopping Center on the east side of the project site. Here we have Front Street.

The existing Lahaina Cannery Mall on the property was initially constructed in 1987, and subsequently renovated in 1999. It provides approximately 130,000 square feet of retail/restaurant space for anchor tenants, Safeway and Longs Drugs as well as a number of lessees including Compadres Mexican Bar and Grill, Honolua Surf Company, Starbuck's Coffee, Footlocker and ABC Stores. The mall is open from 9:30 a.m. till 9:00 p.m. daily and provides parking for 782 cars.

Three existing driveways situated on Honoapiilani Highway, Front Street and Kapunakea Street provide vehicular access to the property. The next few slides are some site photos of the existing property. Here we have a view looking makai across the highway at the existing Lahaina Cannery Mall Shopping Center and associated parking improvements. The next we have a street level view looking makai towards the existing cannery mall buildings. Here you can see the existing buildings in the backgrounds. The next slide shows the main access driveway to the shopping center which is from Honoapiilani Highway. And this slide shows the Front Street access driveway into the property.

This next slide gives the commission a perspective of the project site for the proposed expansion project. This project site, this photo I should add is taken from the highway side of the property and is looking back towards the maintenance building for the existing mall and the existing shopping mall in the background. So you have the highway along here. The access driveway down from the highway and here we have the project site which runs along the southern boundary of the property.

The project as proposed involves an expansion of the existing shopping mall through the construction of a mauka retail restaurant building and makai retail office complex. The makai retail office complex consists of two, single story retail buildings and one, two-story retail office building. These buildings will provide an aggregate gross floor area of 17,730 square feet. The mauka building on the other hand is a two-story building on the southeast

corner of the property adjacent to the Honoapiilani Highway access driveway. This building will provide 15,430 square feet in retail and restaurant space. The expansion in total will provide an additional 33,000 square feet of gross floor space to the Lahaina Cannery Mall Shopping Center.

All proposed structures have been designed to compliment the existing Lahaina Cannery Mall building and also to conform with the overall character of historic Lahaina Town. Parking and landscaping will also be installed in compliance with the County Code requirements around the buildings. A total of 836 parking stalls will be provided on the Lahaina Cannery Mall property under a post development scenario. All landscaping will be consistent with the existing landscape character of the Cannery Mall and also the surrounding Lahaina area.

Prior to construction as Paul noted, parcels 2, 3 and 4 of the property will be consolidated and resubdivided to create two new lots. One accommodating the existing shopping mall buildings, and the second, containing the proposed mauka - makai expansion buildings.

The next few slides we have the site plan for the project. Here we have an overall site plan. You can see the mauka building here next to the main driveway and here we have the makai building and related landscaping and parking improvements around these buildings.

The next slide we have a mauka, sorry, an enlargement of the mauka building section of the site plan. Here we have the mauka building with the Honoapiilani Highway access driveway going down into the property just showing the landscaping and parking improvements around the proposed building.

And again, we have the enlarged site plan this time down on the makai side of the property. Here we can see the proposed makai building complex and obviously the parking and associated landscaping improvements. I'd like to note at this point as you can see on the right side of the slide we have the Kahoma Stream running down towards the ocean. This represents the property boundary for the Lahaina Cannery Mall property. As you can see there are portions of land in between the existing Lahaina Cannery Mall property and the Kahoma Stream. These portions of land are currently under the ownership of the County of Maui and I believe the elevation of these portions of lands are at a higher elevation than the existing Lahaina Cannery Mall property.

To give the commission a visual perspective on what the buildings will look like in the context of the property and also the surrounding areas, the applicant has had the following three-dimensional renderings prepared. Here we have an aerial photo, again, similar to the previous one looking from the mauka side of the highway across the highway towards the existing building and here we can see the proposed expansion buildings integrated within the entire property. The next rendering I should add is a view of the mauka building from

street level. This is the west corner of the mauka building looking towards the mountains. And then finally we have a rendering, again, at street level within the parking and landscaping improvements looking at the northwest side of the proposed makai building. Again, this is looking towards the mountains.

With that, I would like to conclude my presentation for this afternoon. The project team is available to answer any questions the commission may have on the proposed project. Thank you.

Mr. Hedani: Okay, we're going to take a 30-second break for a tape change and then we're going to take the questions. (Break was for the camera man to change the tape)
Okay, questions for the applicant from the commission? Commissioner Starr.

Mr. Starr: You mentioned the lots 2, 3 and 4. I'm a little confused if there's remaining a lot 1 that could be further developed.

Mr. Roy: If we could just go back to the site plan. If I could point commissioners to maybe, I think it's the property location map, maybe slide no. 4 or 5 in your packet, we have a TMK map that shows the TMKs for the property. We have it on the power point screen now. So to answer Commissioner Starr's question these are the three large lots that make up the cannery property. The parcel one which commissioner referred to, as I mentioned in the presentation was actually created when the Kahoma Stream was realigned by the Army Corp. and essentially it created a remnant parcel which the applicant subsequently purchased and now that is part of their property for the Lahaina Cannery Mall buildings.

Mr. Starr: Can that property be developed, further developed or is this –

Mr. Hedani: Its going to be consolidated into the project that they're proposing?

Mr. Roy: Well, just to clarify, parcels 2, 3 and 4, these three larger parcels here are actually being consolidated within the subdivision process into two new lots. This small parcel of land here, the remnant parcel 13 which I mentioned is a very small piece of land, but it was integrated within this project because there are no surface improvements proposed for that parcel but there is a portion of a subsurface retention basin creeping into that portion 1 parcel.

Mr. Hedani: So it will be consolidated into your lot?

Mr. Roy: It's actually not being consolidated. The –

Mr. Hedani: It'd be left as a remnant parcel?

Mr. Roy: Yeah.

Mr. Starr: I noticed you said that remnant parcel, I thought you said it was apartment zone, so my concern is, is really regarding the view plane I think this is already just marginally cutting into the view corridor and if they were to put a little apartment tower on that remnant parcel 1 it would really block the view corridor. And I want to know if that is possible.

Mr. Hedani: How many square feet are in the remnant parcel?

Mr. Roy: If you give me just a couple of seconds I'll refer with our civil engineer he has the precise size for that parcel.

Mr. Hedani: Okay.

Mr. Roy: Kirk Tanaka informs me there's just a few hundred square feet in size. So it's very small and with this project there are no improvements proposed for that parcel of land.

Mr. Hedani: Talking about a couple of hundred square feet Jonathan.

Mr. Starr: Yeah, okay.

Mr. Hedani: Any other questions for the applicant? Commissioner Amarin.

Ms. Amarin: Thank you Chair. Good afternoon, we had testimony this morning by a Mi. Carl Offenbach and his concerns were about this development or this extension on the property that's going to affect storm drains. I'm not an engineer so I would want to have his concern addressed. He says that it will affect traffic. That's his main concern for the area with this additional build out on the premise. So could somebody address his concern?

Mr. Roy: Sure. In regards to the drainage question that was raised, I'd like to ask our civil engineer to come forward and respond to that question.

Mr. Kirk Tanaka: Good afternoon Mr. Chair and Members of the Commission. My name is Kirk Tanaka with Tanaka Engineers. We're the civil consultants on the project. I wasn't personally here this morning at 9:00 a.m., but from what I understand the testimony was with regard to some drainage concerns that the testifier had in regard to the drainage along Kapunakea Street?

Ms. Amarin: Was that it?

Mr. Starr: He was pretty vague. I tried to get him to narrow it and he didn't.

Mr. Tanaka: Okay, if that's the case, then along Kapunakea Street I can go over a brief outline of how the drainage system works on Kapunakea Street and even go into how we're proposing to handle the drainage for our project. There's a culvert that runs under -- it originates on the mauka properties right below what used to Blackie's Boatyard. There's a headwall there

Mr. Hedani: Could you show us on the map Kirk maybe with a pointer or something?

Mr. Tanaka: This used to be Blackie's Boatyard. It's a service station now. The thing's a Super Stop now. There's a headwall that's right in this location at the corner. This is where the Gateway project is being developed now. There's a headwall here. There's a culvert that runs under Honoapiilani Highway that cuts through a kitty-corner of the Cannery Mall property in a drainage easement, runs down Kapunakea Street, crosses Front Street and empties out into the ocean just on the Lahaina Town side of the Mala Restaurant, if you guys are familiar with Mala Restaurant. This drainage system was built and is currently under County jurisdiction. Okay, so now in terms of any drainage concerns that the testifier had, I'm not personally familiar with those concerns other than to say that this is a County system. What we're proposing to do in our area to mitigate impacts on drainage from the development is to install subsurface detention. Basically we're going to pick up the runoff from our development, graded inlets, we're going to pipe it into two banks of subsurface detention which is buried perforated pipe. And we're going to have it seep into the ground.

Ms. Amarin: So are you saying that you are actually improving the storm drain system with this project?

Mr. Tanaka: None of the drainage in this area gets all the way to Kapunakea Street. But yes, Commissioner Amarin, we are improving the drainage in the area because we are going to pick up a little more water than what is currently getting off the site now under post development conditions.

Ms. Amarin: So it would actually mitigate the concern then? Thank you.

Mr. Tanaka: We believe so, yes.

Mr. Hedani: Commissioner Freitas?

Ms. Freitas: No, I'm good.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: Can you tell us what the water table level is in that area?

Mr. Tanaka: Yes, I can. The water table is at approximately two feet.

Mr. Iaconetti: Two feet from the surface?

Mr. Tanaka: Oh, no, no, I'm sorry. Two feet mean sea level.

Mr. Hedani: Two feet above sea level.

Mr. Tanaka: Yeah, two feet above sea level.

Mr. Iaconetti: So how far down is it from your land surface?

Mr. Tanaka: The existing ground elevations here run from, anywhere from about nine feet to about 18 feet at the top. So we're cognizant of the fact that the water table is close and our subsurface detention will be designed to stay above the water table.

Mr. Iaconetti: And drain into the water table.

Mr. Tanaka: Yeah, eventually everything drains into the water table. Yes.

Mr. Hedani: Any further questions for the applicant? Commissioner Starr.

Mr. Starr: How much water are you retaining and how much will the new development create? And is it possible to -- you know, if you're retaining only the increase, is it possible to attain more?

Mr. Tanaka: Okay. I apologize for not having that information right at hand. May I come back and answer that question, I need to look it up?

Mr. Hedani: Additional questions from the commission? Commissioner Iaconetti.

Mr. Iaconetti: Are we going to have someone representing traffic speak to us or should I ask my question now?

Mr. Hedani: You should ask your questions now and they can call their consultant.

Mr. Iaconetti: The other concern that the testifier had this morning was traffic and I can certainly agree with the testifier about the traffic problems that we have there. Would it be appropriate to delay any activity on ...(inaudible)... the Lahaina bypass is in and operating? Hopefully that will take care of some of our problems but not all of them, but at least it would improve the situation at that area.

Mr. Roy: To address the commissioner's question we do have the traffic consultant here today, the traffic engineer, and as Paul noted we did do a traffic impact analysis report for the expansion project. So I'd like to maybe start in our addressing that question by asking Kathy Leong of Wilson Okamoto Corporation to come forward and give a brief summary of the traffic impact assessment report findings.

Mr. Kirk Tanaka: May I address the commission now in regards to Commissioner Starr's question about drainage?

Mr. Hedani: Mr. Tanaka.

Mr. Tanaka: Thank you for your patience. I was able to review the project drainage report and what we're doing is we're reducing the amount of runoff based on our two sets of detention basins by approximately 3,400 cubic feet which equates to approximately 20% of the total anticipated runoff. So roughly about a 20% decrease.

Mr. Starr: From the current -- from current runoff?

Mr. Tanaka: Yes.

Mr. Starr: Good, I think that when we see a 20% decrease it's a positive thing in the project.

Mr. Hedani: Ms. Leong.

Ms. Kathy Leong: Hello, I'm Kathy Leong. I'm with Wilson Okamoto Corporation, we're the traffic engineers for this project. Mark has asked that I give a quick overview as far as what was actually done as far as the traffic impact report for the project. We did take a look at the existing conditions. As staff planner noted, we did go out on three different occasions to make sure that we had a clear picture of what the traffic was like in the vicinity. And then we took a look at the increase in square footage. We did make some assumptions that some of the new trips to the site would be people that are already traveling to the mall. It is an extension of an existing retail complex and after all of our analysis we determined that the increase in the mall's square footage will not have a significant impact, although we do acknowledge there are existing problems along the highway, but this particular incremental increase in the square footage at the mall would not have a significant impact in the vicinity.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: I recently encountered --

Mr. Hedani: Doc, can you move the microphone closer? Thank you.

Mr. Iaconetti: I recently encountered an individual who was doing one of these traffic impact studies on Lower Honoapiilani Road and asked him a few questions. One of the questions was, how do you determine the peak hours and the other question is for how long do you actually study this? And his answers were that the period of time that he was studying it was one hour, on one day, that he did not choose. I'm wondering if your studies are directed in a similar manner?

Ms. Leong: No, they're not. What we do is -- I'm sure you've probably seen around town they do have the rubber hoses they lay on the streets. So we do make sure that we try to take 24-hour data in the vicinity of the project not to mention the State also takes 24-hour data along the highway, so we also have consulted that. When we do go out and do our counts, we actually took counts from 6:00 in the morning to 8:30 in the morning and then we came back in the afternoon and counted from 3:00 to 6:00. So we make sure that we're out there for a long period of time to make sure that we can be absolutely sure that when we narrow it down to what the analysis is based on which is the peak hour that that is indeed the peak hour in the vicinity.

Mr. Iaconetti: And the rubber things that you put across the highway, do they tell you when the people were going, the cars were going cross it?

Ms. Leong: Yes. It records how many vehicles are passing over that tube in every 15-minute intervals.

Mr. Iaconetti: And that's during the day? I mean you can say a.m., p.m.?

Ms. Leong: During the whole day, yes. Yes.

Mr. Iaconetti: My original question was the possibility of delaying any development on this piece of property until such time that the Keawe Street/Lahaina bypass is in and functioning. Would that be a possibility?

Ms. Leong: I'll have to turn that over to Mark.

Mr. Roy: To answer the commissioner's question, the applicant is requesting to be able to go ahead with this project at present and that is the reason why we did have the traffic impact analysis report done to really assess the impacts attributed to the expansion in gross floor area at the Cannery Mall. And as Kathy just summarized for the commission, the traffic counts that were done and the subsequent analysis based on the traffic counts the conclusion of the report was that there was no significant impact from the direct expansion from the Lahaina Cannery Shopping Center on the traffic conditions around the

site.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: It was for(inaudible)...

Mr. Hedani: This is a question for Kathy.

Ms. Freitas: I was just curious when you're doing the traffic studies, do you take into consideration the count, like tire count or do you also take into consideration weight? Like if these are all heavy trucks carrying concrete or rock or something, does that make any difference to you at all?

Ms. Leong: Yes, actually, the fact that heavy vehicles like trucks, especially like the construction trucks that do go up and down the highway. They do take longer to turn. So those things are factored into our analysis yes.

Ms. Freitas: And how do you do that? I mean, is it on a different counter, is it the same strips?

Ms. Leong: What it is is that when we do go out and take counts these are physically people that are sitting at these intersections. They are watching traffic and they are manually counting. The counts that we take with the hose, are to help us make sure that we have caught the peak, tell us the characteristics of traffic over the whole course of the day, but our analysis is based upon counts that are done by actual people sitting at the intersection, seeing the vehicles as they go by.

Ms. Freitas: So then if our project is coming up that's beyond your project and you haven't started your traffic count yet, in a couple months they're going to start demolition or construction and all of a sudden now all these trucks that weren't there a minute ago are there now. Is there anyway for you to take that into account?

Ms. Leong: Well, actually the study takes into account just overall growth in the area based upon historical growth along the highway specifically in this area, but we also take into account other projects that we know of that will be coming on line between the time that we do the study and the time that the construction is completed of this particular project. So all of those things are factored in, yes.

Mr. Hedani: Other questions for the applicant? Commissioner Starr.

Mr. Starr: Yes, first of all, to staff, when a traffic study's been done, I'd like to reiterate some conversation we had earlier which is that we want to get level of service charts for the

surrounding intersections and since we don't have that for this, I'd like you to tell us what the level of service numbers are for all the intersections within a half mile please?

Ms. Leong: We did analysis of a number of intersections along Honoapiilani Highway between Kapunakea all the way down to Lahainaluna Road. We also looked at Front Street in the immediate area of the Cannery Mall. The levels of the service at most of the intersections right now, or I guess when the counts were done, and without the project were a level of service D or greater or better. The exception is Lahainaluna Road and everybody knows that that intersection does have some problems. It's also one of the reasons why they're talking about doing the Keawe Street extension as well as you know, the bypass helping at that intersection. That intersection does operate at level of service E or better right now. The study did incorporate the instance where the Keawe Street extension is completed. So we did take a look at what happens if it's not completed as well as if it is completed and once the Keawe Street extension will connect to the bypass road and provide an alternate mauka route, it's projecting that we found that the levels of service at Lahainaluna becomes more in line with what's at the other intersections along the highway which is level of service C or better.

Mr. Starr: Are there any level of service E's or F's in the vicinity?

Ms. Leong: She just answered the question Jonathan.

Mr. Starr: Well, she said most are.

Ms. Leong: I said the exception is Lahainaluna Road.

Mr. Hedani: It's D or better except Lahainaluna Road.

Mr. Starr: ...(inaudible)... D or better?

Ms. Leong: Yes, and that's along the highway. Obviously Front Street has a much lower volume of traffic so it does operate at a better level of service. But along the highway it's a level of service of D or better.

Mr. Starr: What's Kapunakea?

Ms. Leong: Kapunakea?

Mr. Starr: Yeah, on both ends.

Ms. Leong: Kapunakea at the highway is level of service D or better and at Front Street it's level of service C or better.

Mr. Hedani: Kathy, in the State's wisdom they're going to create the bypass that goes from Lahainaluna Road to Keawe Street.

Ms. Leong: Yes.

Mr. Hedani: Is that going to create a mess at Keawe Street? That's a subjective question.

Ms. Leong: Right.

Mr. Hedani: The question is, is it going to go from a level of service D to an E at that point.

Ms. Leong: Actually in our analysis because we did do it without the extension and with the extension and we did incorporate the traffic study that was done for the extension into our report. Although volumes will increase at Keawe Street, that's going to happen no matter what because there's going to be again, the alternate route. It's still projected to operate at level of service D or better.

Mr. Hedani: My concern is that the bypass isn't going to go -- it doesn't bypass anything, it just comes from Lahainaluna Road to Keawe Street on the first phase. So you're not going to have a parallel anything except a parallel to Lahainaluna Road.

Ms. Leong: Well, what it will do, that small short segment, it does provide -- there's a large influx of traffic especially in the morning going to the high school along Lahainaluna Road and what this does is a little bit of a reliever for the traffic that is destined for Lahainaluna Road to get to the high school. So it will help with some of the school traffic in the vicinity.

Mr. Hedani: So all of the intersections at that point would rise to a level of service D or better?

Ms. Leong: Like I said, the intersection that has the lowest levels of service right now is Lahainaluna Road because it is carrying that heavy load of school traffic because that's the only way up and down to get to the school. So this will provide an alternate route to get those schools.

Mr. Hedani: Okay, Commissioner Iaconetti.

Mr. Iaconetti: The intersection of Kapunakea and Honoapiilani Highway which is probably the most used exit of the shopping center to get onto the highway, I have yet to be able to get through there and onto the highway without at least one or two traffic signal changes. In other words, you're sitting there waiting for the traffic signal to change so that you can progress up to queue. I don't know how you can say this is a level of service D or better because what is the delay between traffic signal changes so that people getting off of

Kapunakea and onto the highway -- how long does that traffic signal change? How often does it change?

Ms. Leong: Okay, just a second. The cycle that we measured at Kapunakea Street and Honoapiilani Highway was a 110 seconds. So it's almost two minutes and that's primarily because obviously -- the intersections along the highway there are somewhat coordinated with each other to provide through traffic along the highway so it's cycling.

Mr. Iaconetti: Great if you're on the highway.

Ms. Leong: Which is great ...(inaudible)... along the highway yes. I know the State was taking a look at the timing of the intersections along that stretch, but I'm not sure what the status of their project is.

Mr. Iaconetti: So two minutes would equate to level of service what?

Ms. Leong: Two minutes would equate to level of service F. In the time that we were out there though -- I mean --

Mr. Iaconetti: Maybe I ought to go out there with you so that you can sit in the car and wait along with those of us that are trying to get out of that area. It is signaled and that's I guess an improvement. The other one that's going to communicate with Keawe Street is signaled and is somewhat better. The entries into Front Street are better, but then you get the highway further on down where the queue is even longer, it is a difficult area and I can't agree with your level of service at that area because I've been there. I mean, we shop there and it takes us forever to get out of there. And if it's a two-minute wait and that's a D, and if you do it twice at least, that's an F and how is this new development going to improve that is a little hard for me to understand.

Ms. Leong: Well the new development isn't going to improve that.

Mr. Iaconetti: No.

Ms. Leong: No. That's not what --

Mr. Iaconetti: It's going to make it worse.

Mr. Hedani: I guess the question, you know, I've experienced what the Doc's experienced which is when you're trying to get up from Kapunakea onto the highway, it turns green for like three seconds. So you wait two minutes and then you've got three seconds for the first two cars to get through there and then it goes yellow. And the operative word on the signals on Honoapiilani Highway is somewhat coordinated because they're not coordinated.

Ms. Leong: Well, I like said, as far as we knew, to my knowledge, the state was taking a look at the coordination through that entire corridor and whether or not they've completed their study and implemented the changes, Im not sure.

Mr. Hedani: So I guess the Doc's question is can you improve that particular intersection?

Ms. Leong: From existing conditions?

Mr. Hedani: From the existing F condition on the feeder side.

Ms. Leong: From the existing conditions, with this project because of the fact that it's really only an increase in the square footage at this cannery, that's what we looked at. So when we say that there's not a significant impact it just means that from what we observed in the field out there, this addition the square footage to the mall shouldn't significantly change without their existing. As far as improving what's out there now, that's a bigger regional problem that you know, the State is aware that they need to work on.

Mr. Hedani: Let me ask the question in a different way. Can the signal at Kapunakea be improved to function better?

Ms. Leong: That's a difficult question because again, if they're coordinated with the other signals there may be overriding reasons why the signal is timed the way it is because you have the north-south on the highway but you're also trading off time for the side streets. So yes, you could turn the signal green a hundred percent of the time for the side street but you know, there's trade offs with intersections in the vicinity as well.

Mr. Hedani: Okay. Commissioner Starr.

Mr. Starr: Yeah, how about a turning pocket?

Ms. Leong: A turning pocket?

Mr. Starr: Yeah.

Mr. Hedani: Turning pocket which way?

Ms. Leong: Which way?

Mr. Starr: To get off Kapunakea onto –

Mr. Hedani: Well there already is a left-turn pocket.

Ms. Leong: There is, yeah.

Mr. Starr: What?

Mr. Hedani: There already is a left-turn pocket.

Mr. Starr: No, I'm talking about a right-turn.

Mr. Hedani: You can do a right turn onto the highway anytime.

Ms. Leong: Yeah.

Mr. Starr: But it wouldn't –

Mr. Hedani: You just can't make a left at that – there's not enough queuing space basically I think is the problem where you just -- and three seconds is a very – is that typical three seconds? To be able to make a left?

Ms. Leong: No, it really depends because the signals, again, it does have – it might be tied to some of the intersections adjacent but it also is actuated so it uses detectors on the various approaches to figure out what the calls are at the intersection and it trades that off as well. So it's kind of complex.

Mr. Hedani: Either that or it's just screwed up.

Ms. Leong: I won't say that.

Mr. Hedani: Okay, Commissioner Amarin.

Ms. Amarin: Thank you Chair. Big problem with traffic. So has the applicant really tried to study the concerns of the residents and the traffic impacts to really try to mitigate, maybe alternative measures, maybe having those heavy vehicles not being the area during prime time when people are going back and forth from work. Have those have been maybe some kind of consideration or the applicant should really study all of these issues and try to help out the community by saying okay we'll have the trucks on the road certain times of the day. You know, maybe a different routing, not using H'piilani Highway maybe the lower, but then you know, the residential areas. Want to hear from you applicant.

Mr. Roy: You'd like to hear from the applicant, Gus Gianulias? Okay. If I could just respond first. The applicant is aware of West Maui traffic situation and there are – there is a number of factors that maybe weren't initially addressed in the traffic report, but I believe the County is operating their bus system between Central Maui and West Maui and

out towards Kapalua and they map frequent stop offs at the Lahaina Cannery Mall property. And I believe at the last check on the time schedules I believe the County, I could be wrong but I believe the County is making approximately 30 shuttle stops or bus stops every day at the Lahaina Cannery Mall property and I don't believe that was incorporated. Obviously that would have – the traffic impact analysis report at this point in time because it didn't factor in that. It's taking a more conservative standpoint in regards to traffic or traffic in regards to the expansion project. So I just wanted to note that for the commission that there are other things that are occurring within the site and the County's regional mass transit system, the bus system from linking Central and West Maui areas I believe is stopping approximately 30 times a day within the property.

Ms. Amarin: You know, everybody has to work together, everybody has to do their share of trying to mitigate the problem because if somebody says okay, they're doing their share and the other one will just see a green light and go ahead and mess it up again. So like I say we all have to do our share and you know, all of these projects that do come up, it affects the community and Lahaina is I would say in Hawaiian pilau, you know the traffic there is outrageous and we hear that. And so there's things that will happen in a positive way but it can't happen sooner than expected. And the applicants all need to be cognizant and everybody has to try to do their share. Thank you.

Mr. Hedani: Did you want to hear from the applicant Johanna?

Ms. Amarin: Yes, if there's more that you could offer to the community about this project please.

Mr. Gus Gianulias: My name is Gus Gianulias, I represent the Lahaina Cannery Mall LLC, Mr. Chair and Committee. Just a real brief history. We've been coming, our families been coming since the '50's to Maui. Love the area and I've always loved this shopping center. We've been trying to buy it for years and I think the Omori Family had done a beautiful job particularly with the landscaping and parking area, access, all the things we look for in a shopping mall. Two wonderful intersections with lighting on either side. Exits several different ways, ample parking, beautiful parking, even trying to get our employees to park along the freeway or along the highway so that they can enjoy the shade of those trees. So it's a good thing for them.

We have studied this for quite a while and traffic is something that you're absolutely right. It takes a huge community to try to resolve it. One person really can't do it. We've looked at it from every way and we think with the long throw on the right next to this new development, we hope new development, we have a long throw there so that people can back up there to get out and go left actually a lot easier than they can on that shorter street. That street is so short on the north side of the property that there's just no way physically that we can get a longer throw there so that people can get in line a little easier. But I think

more people now are starting to go along the south end of the property to get out to go left and that's a much easier way to get out. I think more cars seem to get through that intersection with the green light.

We also have Front Street which allows us to use that exit in both directions. So in our view, traffic is very important because that's what brings customers to the site and we have to look at that. Parking is also very important that brings people to the site, and so we are very cognizant of those problems and I'm from California originally. My brothers and I all bought places here because we all love it here. But we see the traffic problems here too. It's developed a lot over the years and I'm not too sure what the answer is. But we do all we can or what we feel is within our scope to help the traffic and do something that is smart growth, you know within the city using existing facilities and doing a nice project something that's, not inexpensive, very expensive.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yes sir, I appreciate your attempt and your feeling that there should be ways that you can find to help improve the traffic and we all know that the traffic in the Lahaina area is at a crisis situation. We've heard Doc Iaconetti, our honorable member from the Lahaina area feel that perhaps this project should be put on hold until the bypass now is put in place and you know, there's definitely some sympathy among members that might be, you know, a good idea.

What I wanted to ask you since, you know, you're obviously someone who's really community minded and understand the traffic issues. Whether you would be willing to, you know, on a voluntary basis to say contribute to say, the Bypass Now organization or some of the other grassroots organization. We're trying to solve the traffic problems. Something maybe I don't know half a million dollar or quarter million dollar contribution that would help to solve the problem that would give them the ...(inaudible)... money to do what needs to be done and then that would help I think everyone to feel good about this project being part of the solution and not the problem.

Mr. Gianulias: I think it's tough for me to give you any numbers at this point. I think we would certainly look at that and see if there's a way we can contribute. We have – we are looking into ways that we can contribute to the local economy and local people, different ways that we can do it, we've certainly increased our burial site by four times to help the Burial Council understand that we're with you. We want to preserve this. We've increased the floor size four times and we're still paying the taxes, insurance and maintenance on that property. We didn't gift the property, we're maintaining it for them. So as far as we're concerned that was a nice gift for them.

We are continually doing projects that benefit the schools in our malls. We have

fundraisings for different events that are of the giving nature and we're not against giving and I understand that we may be imposed a traffic fee in the future and if we are, we are.

Mr. Starr: I take that as a no.

Mr. Gianulias: That is a no?

Mr. Starr: Yeah, I assume your answer is no. Is that?

Mr. Gianulias: No, I'd be glad to look at it and but I can't today give you a number, we'll give \$5,000 or \$50,000, I can't ...(inaudible)... But we'd look at that. And again, --

Mr. Hedani: Commissioner Freitas.

Mr. Gianulias: And again --

Mr. Hedani: Thank you Gus. Commissioner Freitas.

Ms. Freitas: Okay, this is for Mike. And I don't know Mike but if at that intersection or wherever the congestion is out there, if that were relieved right there, do you think that it would free up anything or if -- even if that is corrected, is the stack piling still going to continue? Okay, wait, wait, before you go there, that's where I'm going with this and this is maybe absurd but what I'm thinking is you know, we have so many problems with the synchronizing of the traffic lights and all this business about lights, county, state, all that. What about the old traffic cop. So that if this intersection has a real person there that visibly saw and could run what was going on during that time if it just keep it flowing as you know, more people come out at different times and maybe a light isn't always because it's consistent maybe isn't always the best deal. Maybe they're in lunch time, it's busier and it makes traffic, you know, stack up down the road or whatever. And I'm just thinking if do you think that it would help lets say if they had like that like a traffic cop or something that during peak times or something keep things flowing better up. I mean, could something like that help?

Mr. Mike Munekiyo: Commissioner I think within the limits of the project that could be a possibility. In other words, if it appears that traffic is backing up at a driveway at Kapunakea, certainly a traffic monitor internally to direct traffic to the Keawe Street exit for example or Front Street might be appropriate. I think of course, having anything beyond that in terms of trying to exercise control of a state system would be problematic.

Ms. Freitas: No, no, I totally understand that.

Mr. Munekiyo: But certainly I think --

Ms. Freitas: No, I'm just thinking about your project and its impact and just that, you know, you want to go forward and we have some stumbling blocks and if it would make your project more palatable to everyone and it would work, I mean if it really did work that it kept the flow better.

Mr. Munekiyo: Right I think that's something --

Ms. Freitas: I'm just trying to think of something short of, you know, --

Mr. Munekiyo: And that's one option commissioner I think the other is something that might be -- well, something that the DOT has indicated as a monitoring, post development monitoring and to the extent that there's other improvements that maybe appropriate on a pro rata basis that could be conditioned as well. But I guess what Mr. Gianulias is saying that, you know, he's willing to do his fair share I think from an investor standpoint it might be difficult for him to make specific comments, commitments at this point in terms of dollar amounts. However from a SMA conditioning standpoint it still might be appropriate to say, well, can you at least monitor traffic once the project is completed and if this new project complicates conditions or situation at Kapunakea then what can be, what are you able to do to help mitigate that. I think that's certainly, that's something that could be looked at or considered.

Ms. Freitas: Yeah, I guess the only thing about that is if you say, well, we'll monitor it and if there's a problem we'll see what we can do to correct it. They would just say well why don't you just do that now then? You know, ...(inaudible)....

Mr. Munekiyo: Right.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: A question to question, when the shopping center was originally built, were traffic impact studies done at that time in the '80's?

Ms. Suyama: I did the original Cannery Mall when it first came in for the SMA and at that time there were a traffic impact analysis was done and that's one of the reasons why you have the signalization at the intersection with Keawe Street. So they did do some consideration, but when the mall first came in the traffic was not as bad as today. So when they came in originally they did whatever, traffic mitigation that was required out of the SMA permit.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: But there were no impact fees, were there.

Ms. Suyama: No, it's just in terms of the SMA review, a traffic analysis was done and based upon that analysis there were some improvements that were done. They did some improvements on Kapunakea Street as well as the entrance to the shopping mall. And one of those improvements were signalization.

Mr. Hedani: Any additional questions for the applicant? Commissioner Iaconetti.

Mr. Iaconetti: I have a suggestion for the Kapunakea Street. One of the problems there is that there is a short area where people who want to turn left on the highway when they finally get to the intersection. But frequently, coming out of the shopping center the people begin their queue all the way into the shopping center blocking off the people that want to turn right at that intersection. Would it be feasible to increase the size of the Kapunakea Street intersection there at least the Kapunakea Street so that there would adequate lanes that would allow people to turn right and not get blocked off at that time because they'll be coming up from Front Street and block off your exit from the shopping center.

Mr. Munekiyo: Commissioner I think it's something that might be a possibility. It hasn't been looked at from an engineering standpoint.

Mr. Iaconetti: It's your property so you can do whatever you want to do with it.

Mr. Munekiyo: Right.

Mr. Hedani: Doc, you're talking about one lane through to do the left turn and one lane to do just right turn only on the exit?

Mr. Iaconetti: Yeah, as it is now there's a short area where you could – if you want to turn left you get into, and unfortunately there are so many cars they just block of it.

Mr. Hedani: Actually the solution is to use the Keawe Street intersection and the left. I don't have any problem there. Commissioner Guard.

Mr. Guard: I guess that was the thing, it'd be a pretty simple commitment to increase signage because half of your population at Cannery Mall may be using that intersection for the first time so if there was some signage saying to go down south to the Keawe Street exit if you're going back into Lahaina would that – it seems, maybe I'm just being naive but it seems like people may choose to do that so they don't cause traffic.

Mr. Kirk Tanaka: Yes, Commissioner Guard, again Kirk Tanaka with Tanaka Engineers, we suspect that by development of these additional buildings that would tend to pull the population more towards the south side of the complex, and therefore, even if you wanted to go to Kapalua because you're pulling some of the population to the south side, you'd go

out the Keawe Street entrance. And in answer to Commissioner Iaconetti's comment, I'm sorry, I cannot make a definitive statement but I believe that, because I haven't studied this, but I believe that the right-turn lane off of Kapunakea Street getting onto Honoapiilani Highway to head towards Olowalu is full length from the intersection of Honoapiilani Highway to the entrance driveway.

Mr. Iaconetti: Right, it is.

Mr. Tanaka: Okay, I believe that if the concern is that people coming out of Lahaina Cannery Mall are blocking the people who are trying to get to Olowalu, that seems more of an enforcement issue.

Mr. Iaconetti: Oh, I agree and there is a sign there. It says don't block the intersection but it really doesn't help.

Mr. Tanaka: Because even if the driveway is situated in a different location, I mean, you may always have that situation where people try to force their way in and consequently block the right turn movement.

Mr. Hedani: Additional questions for the applicant? Commissioner Guard.

Mr. Guard: It seems like what Kirk said, it's kind of a private property issue on how we were talking about possibly someone patrolling. Maybe they need it in-house to get people used to going out the other exit and so hopefully more people will be drawn. I believe that portion of the parking lot is fairly empty most of the time, right?

Mr. Hedani: Right.

Mr. Guard: Not the Safeway side, the side where there's no structures up right now that we're looking at.

Mr. Iaconetti: Nobody gets onto that property unless they got the buses or something else parked there.

Mr. Hedani: Additional questions for the applicant? Okay, staff recommendation. Sorry, are there any members of the public that would like to offer testimony on this item?

a. Public Hearing

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

Mr. Carl Offenbach: My name's Carl Offenbach and I just want to testify, this is about

Lahaina Cannery Mall. They want to expand. You have problems with infrastructure as far as your storm drains. When they originally went and did the mall they were supposed to fix it, they never did. If you look at the plan you'll see the storm drains are on both sides.

In addition, there's a lot of extra construction going on right now. It's going to cause mayhem at that intersection, across, you have to look what's on the books as far as what's their planning. They've got all those condos going in. They got a new mall going in across the street. They have all that area up mauka side is zoned for industrial usage and we're already backed up in traffic in Lahaina at certain times. It's just going to get worse and worse and to put anymore, you know, density and traffic in that particular intersections it's just going to create a problem. It's going to be really bad especially people coming from up north it's going to add 15 minutes to their travel time and they can't already take care of the parking that they now with cars coming in and out constantly blocking the right of way where it says do not block intersection, you're always going to find a car many, many times during the day over there. And if you can't take care of what you got now, you certainly don't belong adding to it. It just doesn't make sense and it's just going to be a negative impact on that whole area, not just for that neighborhood but for all the people who are on West Maui are, you know, traveling.

And it doesn't make sense, the jobs that are going to be created by it are not high-paying or good jobs. What kind of jobs are they? They're temporary, they're low-paying jobs. Places are going to be going out of business. Long term, it's just for the purpose of collecting rent and that's it on the part of the owners. I just don't feel it's appropriate that it should be expanded. If this was 10 years ago, fine, but it's not 10 years ago. It's now and we have things on the books and you have to look at everything not just that particular point.

There were some tests done where they had the counters for the cars in the road, I mean, that's not an appropriate test because you have other things that you can't even test. You can't test the cars in the future. You know exactly what's going to be built across that highway. So it should not be passed, not at this point in time. That's all. Thanks.

Mr. Hedani: Any questions for the testifier? Dr. Iaconetti.

Mr. Iaconetti: Sorry, I didn't catch your name when you started.

Mr. Offenbach: Carl Offenbach.

Mr. Iaconetti: And you're a resident of Lahaina, are you?

Mr. Offenbach: Yes.

Mr. Iaconetti: North of that area or south of that area?

Mr. Offenbach: I live about a couple houses down the road from Kapunakea Street. So I see everything that goes. It's not just about the neighborhood but it's about the whole west side.

Mr. Iaconetti: Do you have a business in Lahaina?

Mr. Offenbach: I work for somebody else and it's not about construction jobs because you take care of your infrastructure. There's plenty of construction jobs in infrastructure and I'm sure they're working on, you know, getting the funds for that. You take care of that first because I don't know, we kind of have a joke about we'll all probably have our bypass before Lahaina gets its bypass. So, once you add that in there, I mean, even a bypass won't help that area.

Mr. Iaconetti: I've beat them already. Thank you.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yes sir, you mentioned that there were specific drainage problems that you felt that they were supposed to fix. Do you have any specifics on that?

Mr. Offenbach: Well, what it is it's the storm drains. There's actually two storm drainage and one is over by, what's the place, Elmans, whatever, Mala Grill and then the other one's over towards the other side. And I recall about 10 years ago I made a complaint you have to clean out the storm drains. They said, we do, we check them every month. And I said, well how come you got a three-foot coconut tree growing inside? So – and then they got mad at me.

Mr. Starr: Is there stuff growing in them now or –

Mr. Offenbach: But what you're doing is you're building on the other side of the highway too. Where's all that water going to go? Where's the water going to go?

Mr. Hedani: Any other questions for the testifier? Seeing none, thank you very much.

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

Mr. Hedani: Seeing none, public hearing is closed. Staff recommendation.

b. Action

Mr. Fasi presented the Recommendation.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: I'd like to move that the project be delayed from starting until the Keawe Street bypass is completed and functioning.

Mr. Starr: Second.

Mr. Hedani: It's been moved and seconded to defer approval of the SMA permit until that happens?

Mr. Iaconetti: Just delay the beginning of development if possible.

Mr. Guard: Initiation of construction.

Mr. Hedani: To delay the initiation of construction.

Mr. Iaconetti: Right.

Mr. Hedani: Okay, that's a negative – actually it's a negative motion but I'm not sure – we don't have –

Mr. Iaconetti: No, it isn't. I am positively asking to delay the beginning of construction.

Mr. Hedani: I got you. I understand. What I'm saying is that we don't have a motion on the floor for consideration for the SMA permit at all at this point.

Mr. Iaconetti: No, this is a condition. An additional condition.

Mr. Hedani: Right, so if you wanted to add a condition that says, initiation of the project will not begin until the completion of the bypass highway that connects to Keawe Street that would be condition no. 6.

Mr. Starr: Could we have a very, very short recess?

Ms. Freitas: For?

Mr. Starr: One-minute recess.

Mr. Hedani: Okay, lets take a one-minute recess.

A recess was called at 3:28 p.m., and the meeting was reconvened at 3:29 p.m.

Mr. Hedani: ... for a condition to be added which would mean that initiation of construction couldn't take place until the Lahaina bypass connection at Keawe Street is completed.

Mr. Iaconetti: If it would make it easier I would move to approve the development with that condition.

Mr. Hedani: So you would like to restate your motion to that?

Mr. Iaconetti: Please.

Mr. Starr: Yes.

Mr. Hedani: With the approval of the second. Okay, we have a motion for approval of the recommendation with the condition added that initiation of construction will not begin until the completion of the bypass connection at Keawe Street.

Mr. Starr: With the recommended conditions plus an additional condition I believe is the motion.

Mr. Hedani: Got that Paul?

Mr. Fasi: No.

Mr. Hedani: Okay, the motion is for approval of the SMA permit subject to an additional condition which is added that ties the initiation of construction of the project with the completion of the bypass connection at, the first phase bypass connection at Keawe Street. That's the motion as it's stated right now. Is that correct?

Mr. Fasi: What determines completion of the bypass?

Mr. Hedani: When they open it up at Keawe Street I guess.

Mr. Iaconetti: As far as you're driving on it.

Mr. Fasi: so theoretically this project could take another –

Mr. Hedani: Ten years if it takes them that long.

Mr. Iaconetti: Well, it's taken 30 or 40 years to get the bypass and hopefully that this will speed things up a bit.

Mr. Hedani: Is there discussion? Commissioner Freitas.

Ms. Freitas: Well, I can't support that motion, but I would like if I may at this point to ask Mike a question?

Mr. Hedani: Mike Munekiyo?

Ms. Freitas: Yes.

Mr. Hedani: Go ahead.

Ms. Freitas: Mike –

Mr. Iaconetti: Excuse me –

Ms. Freitas: I want a response to that.

Mr. Iaconetti: But we've got a motion.

Mr. Guard: But it's in discussion.

Mr. Hedani: Right.

Ms. Freitas: It's in discussion phase.

Mr. Iaconetti: Okay.

Ms. Freitas: Mike. Could you please respond to that condition?

Mr. Munekiyo: As indicated earlier, there are certain commitments that have been made for this project and the difficulty with the condition although I think we understand the genesis and the concern for traffic, is that number one, we believe that the contribution to traffic from this project as Kathy mentioned is of course, incremental but whether or not it warrants deferral to wait for a project for which there is significant time uncertainty is somewhat difficult. And of course, when that kind of condition is imposed, what will occur is that I think the commitments will be lost. And so, it really I think places the project in a very difficult situation to the extent that we can work maybe in alternative ways of conditioning the project with again, whether it be the applicant shall provide monitors, traffic monitoring during the peak business hours to direct traffic to alternate locations. I think that might be more workable because the incremental contribution of traffic of this project when you look in the scope of the entire region is somewhat minimal, and to have it tied a project which has some uncertainty as to time I think would be difficult. But certainly again, Mr.

Gianulias is willing to do whatever he can within the control of his project to help redirect traffic.

Mr. Hedani: Can I ask you a question Mike? I don't know if I'm correct or not but I'm convinced that the signals in West Maui are not synchronized properly. Would the applicant consider auditing the signals in West Maui or working with the State DOT to get them retuned again? The last time that was done I think it cost \$250,000 and that was a contribution that came from the North Beach project at Kaanapali.

Mr. Munekiyo: As Cathy mentioned I believe there is an ongoing study right now and certainly the applicant I'm sure would be willing with DOT to see what can be done to refine any signal timing, you know, breakdowns there might be right now because it is his property that's being affected. So I think that kind of discussion is certainly in order it seems to me.

Mr. Hedani: Okay.

Mr. Munekiyo: But again, you know what DOT has in mind right now in terms of what they're doing to further –

Mr. Hedani: My concern is that the staff of DOT when they tweak the signals tweak it in the wrong way and we need somebody of the expertise of the consultants that you have that can tweak it in the right way to make it work like it was supposed to work. And it did work in the beginning for about a year. Commissioner Freitas.

Ms. Freitas: ...(inaudible - changing of tape)... is you hear me say a lot of times if you look at this project and you look at some of the other things that we've passed out there and before maybe we were even on but we followed up, you know, when they came before us again, these time share buildings and everything and you look at impact and from that impact and their impact, I just can't see that they should be penalized to the level that you're speaking and I know where you're coming from totally. But just taking it all in my perspective anyway is that that's just a little bit too much for this particular case. If we make them monitor and this and that and this and that to make sure that this project if they say it's going to say this much, they can correct it that much, and if we can make sure this project doesn't impact – I would say, lets try to work that out. But I know how you want to take it all the way to not being able to do it to that improvement but I just don't see it.

Mr. Hedani: Thank you Mike. Thank you. Additional discussion on the motion? Commissioner Amarin.

Ms. Amarin: Thank you Chair. Yes, we can understand the problem with the traffic. But I cannot support this motion and only because there's no completion date on the Keawe

bypass. But I think what has happened here is that the applicant has more awareness of everybody doing their share and to come up with alternative measures and to put them in place. So maybe that's where a condition should be added. That the applicant will find alternative measures to mitigate the traffic with the duration of the construction. Thank you.

Mr. Hedani: Additional discussion on the motion? Commissioner Guard. I don't use that Safeway as often. Would it help if turning out of that was for right turns only to try to limit the people trying to do right and left turns out of Kapunakea onto the highway and people that want to go to Napili or Kapalua go and use the south exit? I'm not the expert on that Lahaina Safeway.

Mr. Iaconetti: Not really. Not really because what I usually do is take a left turn to keep from having to sit in that queue that long and then use Front Street, but then you get caught up at Canoes where you're in a longer queue. So that wouldn't help. You know, I've heard this argument especially from you Suzanne several times where you can't expect the developer to take the brunt of what's happening over there. He's an individual developer and this has all been going on for years before you or I ever got on the commission, but as long as we keep thinking that way we're going to keep adding to our problem. And I think we have to at one point or another say, hey lets stop for a minute and get things going better before we – I'm not saying don't do the development. And I do think that the bypass is going to go through pretty quickly from what you hear. But, to just keep saying hey it's not their fault, we can't stop them to me is not a good idea.

Mr. Hedani: Okay, we have a request from our counsel to go into executive session at this point. So what we're going to do is recess this meeting –

Ms. Freitas: I move that we go into executive session.

Mr. Guard: Second.

Mr. Hedani: There's a motion and a second to go into executive session. We need a two-thirds vote in order to go into executive session.

It was moved by Ms. Freitas, seconded by Mr. Guard, then

**VOTED: For the Commission to Go Into Executive Session.
(Assenting - S. Freitas, J. Guard, K. Hiranaga, J. Amorin,
W. Iaconetti, P. Eason, J. Starr)
(Excused - B. U'u)**

Mr. Hedani: Carried. Thank you. Can the public please excuse us, this should be very short.

The commission went into executive session at 3:38 p.m., and the regular meeting was then reconvened at 3:47 p.m.

...(inaudible-problem with tape)...

Mr. Fasi: ...(inaudible)... extra stalls.

Mr. Guard: Oh, okay.

Mr. Fasi: Above and beyond.

Mr. Hedani: So is the answer yes or no?

Mr. Guard: They got a buffer of five?

Mr. Fasi: They're over the limit by five.

Mr. Hedani: The question was can they do a left or a right turn?

Mr. Fasi: If I had to do a yes or no answer, I would say no.

Mr. Guard: Well, from an engineering standpoint if parking wasn't the issue would that alleviate any traffic?

Mr. Tanaka: So what you're saying is go from the existing two-lane driveway to a three-lane driveway?

Mr. Hedani: Right.

Mr. Tanaka: Meaning one in, two out.

Mr. Guard: One for the left turn –

Mr. Hedani: You lose one stall right?

Mr. Tanaka: I believe physically you might be able to do it but generally speaking the path of least resistance would be to widen the driveway to the Honoapiilani Highway side. And the reason why I say that is because of not only the aisle width but I know that there are some pretty large manholes detector check meters on the Front Street side of that driveway. It might be a little bit over simplistic explanation but I don't know if that would achieve Dr. Iaconetti's or mitigate his concern because of the fact that people block – you know, coming out wanting to turn right still block Kapunakea Street.

Mr. Hedani: Thank you Kirk. Any other discussion on the main motion? Ready for the question.

Ms. Freitas: Could I get a repeated motion?

Mr. Hedani: The motion is to approve the project subject to the condition that the initiation of construction will not take place until the completion of the bypass is completed at the Keawe Street intersection.

Ms. Freitas: I'm sorry I didn't know it was on the floor still.

Mr. Hedani: That's the motion on the floor.

Ms. Freitas: Sorry.

Mr. Hedani: Ready for the question?

It was moved by Iaconetti, seconded by Mr. Starr, and

The Motion to Accept the Recommendation of Approval of the Special Management Area Use Permit with the Condition that the Initiation of Construction will not Take Place Until the Completion of the Bypass is Completed at the Keawe Street Intersection Failed.

(Assenting – W. Iaconetti, J. Starr)

(Dissenting – S. Freitas, K. Hiranaga, J. Guard, J. Amorin, P. Eason)

(Excused – B. U'u)

Mr. Hedani: Motion is lost. What's your pleasure? Commissioner Freitas.

Ms. Freitas: I would hope that maybe Colleen could help me construct a motion that would somehow reflect our comments on having like some kind of traffic cop or something there during peak times to help with the traffic flow or traffic mitigating measures within their own property, you know, in lieu of stopping the project till the road is done.

Mr. Hedani: Mike, do you have something to offer?

Mr. Munekiyo: Thank you Mr. Chair. I'm wondering if the commissioners might consider a condition like this, because as I mentioned the applicant is very well aware of your concerns. But something to the effect that, "the applicant shall prepare a traffic management plan which will outline onsite traffic impact mitigation measures such as the use of traffic monitors and signage." And of course, there are other things that can be done, we just haven't had the time to study it. "And that the traffic management plan shall

be submitted to the planning commission for review and comment prior to the issuance of building permits.” So at least the commission understands that we’ve made a true effort and in fact, these are the things we can do, these are the things we will do just because that’s something that’s within their control.

Mr. Hedani: Mike, would that offer be able to include say an audit of the signals?

Mr. Munekiyo: We could do that. As well as perhaps looking at whether there might be a geometric limitation with respect to what Commissioner Guard had said. You know, we’ll look at the gamut of suggestions. It’s just that here’s a way that we can at least identify all the range of options that might be available. Those that are doable. Those that may be problematic because of design constraints, at least that we can bring that back to you.

Mr. Hedani: And those that would be within your control.

Mr. Munekiyo: Right. And then at least have some discussion on it prior to issuance of building permit.

Mr. Hedani: Commissioner Starr.

Mr. Starr: In addition to a plan, I would want to see some action, some positive action that will help improve the traffic situation not just on the site, in other words, inside the mall, but some movement to try to help the situation in West Maui. Because frankly a project like this is either part of the problem or it’s part of the solution and in my book right now it’s part of the problem. It’s increasing the traffic load in place where people are already fed up to here with it. So I would want that plan to find a way where these project can and will contribute to the overall traffic problems in West Maui. And you know, if that comes back to us if it’s something that we feel will make a positive contribution not only to onsite but to West Maui and then we approve it then the project can go ahead and if not, well then they can go and try again. So I would want to see actual, the management plan include a some actual means of aiding the traffic situation, the larger traffic situation in West Maui as well as the onsite.

Mr. Hedani: Thank you Mike. Discussion from the commission? We don’t have a motion on the floor for consideration.

Ms. Freitas: I would like to make a motion.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: I move to approve with the amended 20th conditions as Mike stated or is working on.

Ms. Amorin: Second.

Mr. Hedani: Wow, did you get that Paul.

Ms. Freitas: But to add Jonathan's in there.

Mr. Fasi: I will confer with the applicant's consultant after the meeting.

Mr. Hedani: We need something that we can wrestle with and vote on right now.

Ms. Freitas: Maybe you could add like something to the effect to what Jonathan just said.

Mr. Starr: I'm willing to give it a stab if you don't laugh at me.

Mr. Hedani: Or how about, the applicant will work with the Planning Department to design traffic mitigation measures proportionate to the project which would be approved by the department and the commission, or something like that.

Mr. Fasi: Would you want this study to come back before the commission or just be approved by the Planning Director?

Ms. Freitas: Like Mike said, Mike said he'd bring it back.

Mr. Fasi: Bring it back before the commission. I'm just going to read from Mike, he's got it all written down here and it's basically what you're discussing anyway.

Mr. Hedani: Okay. Just so everybody understands, we have a motion from Commissioner Freitas and a second from Commissioner Amorin on the approval subject to the addition of this condition. Is there other discussion on the motion.

Mr. Fasi: So this will be the project specific condition no. 20.

Ms. Freitas: Yes sir.

Mr. Hedani: Mike can you write any faster?

Ms. Freitas: Maybe you're giving us more than we need Mike.

Mr. Fasi: Okay, how's this for a first draft? Project specific condition no. 20 shall read, "that the applicant shall prepare a traffic management plan to outline traffic mitigation measures such as the use of onsite traffic monitors, signage and geometric improvements at driveways. A copy of the traffic management plan shall be submitted to the planning

commission prior to issuance of building permits.”

Ms. Freitas: Just fine with me. I don't know if Jonathan's got any --

Mr. Hedani: Okay, so is that your motion?

Ms. Freitas: Yes it is.

Mr. Fasi: Thank you.

Mr. Hedani: Discussion on the motion? Commissioner Starr.

Mr. Starr: Yeah, there's no way I can support that. All that does is talk about the flow of traffic inside the shopping center where to my understanding we were discussing this project finding a way to contribute to the traffic problems on the west side and I didn't hear any mention of that. So I don't think that satisfies the spirit of what we're trying to do. It's not a question of getting the traffic flow better inside the shopping center. I want to see them make some contribution and that's what -- you know, if I'm to support it, certainly I would want to see some effort on their part to help mitigate the real problems.

Mr. Hedani: Additional discussion? Commissioner Amorin.

Ms. Amorin: Could we hear that condition all over again?

Mr. Fasi: Condition No. 20 shall read, “that the applicant shall prepare a traffic management plan to outline onsite traffic mitigation measures such as the using of onsite traffic monitors, signage and geometric improvements at driveways. A copy of the traffic management plan shall be submitted to the planning commission for review and comment prior to issuance of the building permit.” This just addresses the current concern of traffic onsite within in the applicant's property.

Ms. Freitas: And the driveways.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: And the driveways.

Mr. Fasi: The driveway, correct.

Ms. Freitas: Which was the concern.

Mr. Fasi: That is addressed by the words, “geometric improvements at driveways.”

Ms. Freitas: Okay, now the thing about -- I think what you're talking about is the other part of the traffic problem which is Lahaina Bypass Now or something like that. Is that what you're talking about?

Mr. Starr: I want to see them make some improvement or contribution to the traffic problems on the west side.

Mr. Hedani: Paul, can we add language to that item 20 --

Ms. Suyama: It is a separate condition.

Mr. Hedani: We can do it as a separate condition. We're considering language that would include participation in the synchronization of the signals in West Maui.

Ms. Suyama: This is to Mr. Munekiyo.

Mr. Paul: In addition. Yes, if we could just accept this as condition no. 20. Anything above and beyond that would be 21 and perhaps 22.

Mr. Hedani: Okay.

Ms. Suyama: This is for Mr. Munekiyo. Would the applicant be willing to participate in the synchronization of the traffic signals on Honoapiilani Highway. I know Intrawest is already part of that synchronization plan, but would they will be willing to participate in that as well?

Mr. Munekiyo: I think the applicant has indicated is willing to help on the regional level. Again, what needs to be considered is the scale of this project relative to some of the other projects that have come before the commission. And this is a 30 somewhat thousand square foot expansion to the Lahaina Cannery Mall. To the extent that any regional improvement is deemed to be reasonable and fair share in terms of nexus to the impacts generated by the project certainly I think that's something that's a fair condition. Anything more of that, of course, which might obligate to some improvements which go beyond what I think is fairly attributable to the project generated traffic itself I think might be difficult or would be difficult.

Mr. Hedani: Mike we know that the synchronization cost \$250,000 when Intrawest did it. All we need at this point I think is to verify that that's workings, that's what what's actually out there or to audit it to make sure that the program that was originally designed for it is actually being followed.

Mr. Munekiyo: Right.

Mr. Hedani: Which would probably cost a lot less.

Mr. Munekiyo: Right. And that in fact could be part of the traffic management plan and I might add that what the traffic management plan as we've defined it here not only speaks to what the applicant can do to manage traffic flow within the project itself but how do -- to the extent that strategies can be identified to reduce the impact of trips generated. That's part of the plan as well. So from that standpoint it looks at what can the applicant do in terms of working with the Kaanapali Shuttle, the other shuttle, the Maui Bus, so forth that could help in the overall scheme of things. And so, these are the kinds of things that would be addressed by the traffic management plan.

Mr. Starr: Can you add some wording to the extent that it will include some items that go beyond the onsite?

Mr. Munekiyo: Sure, and again, let me look at this.

Ms. Freitas: Could I just say something? No?

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: Okay, this is my thing, is if you give this condition 20 as stated and we leave it there and if when these people come back before you, if their plan that they bring to you isn't all that, then deny it or whatever, and say, look we gave you a chance and this is what you brought us back. You know, you didn't take it upon yourself to do this or that and then see, see what -- if they do what's required and then are they willing to come forward and say well, this is what we did.

Mr. Hedani: Okay, except the language reads for review and comment not review and approval. Commissioner Iaconetti.

Mr. Iaconetti: I have never been really impressed with the statement "fair share." I think that a definite monetary contribution would be more in order. And if, you know, if we can set something which we feel would be fair considering the small size of the development and the big problem that we're asking them to improve, if we could say hundred thousand dollar contribution to the improvement of the parking situation or the traffic situation in Lahaina. In other words, give it a definite amount at this point and not give it this "fair share" idea which I have never been impressed with.

Mr. Hedani: Additional discussion? Commissioner Hiranaga.

Mr. Hiranaga: I'm not a traffic flow professional but it would appear to me that the proposed expansion of the two buildings, 30,000 square feet would attract parking to the south end

of the parking lot and it would appear to me that those people parking on the south end of the parking lot would use exits A and B and I do not believe will contribute significantly to the existing situation at exit C. So I guess I'm a little confused about why we're concerned about the traffic, the existing traffic at exit C when I don't think the -- personally if I'm going to go to those two buildings, I'm going to want to park as close to them as I can and then I'd want to take the closest exit out of the place if I could. So I just don't see impact of those two buildings contributing dramatically to exit C.

My other comment is on traffic light synchronization. My experience and this is in Paia Town is whenever there is a power outage, the signals get skewed. And that means that all the -- whoever technicians have to come out and fix the signals so that they're timed out properly. So I think when you talk about synchronization of the traffic lights on Honoapiilani Highway, you know, you're chasing a moving ball. Every time there's a surge it's going to affect one or two lights and then you've got to go out there and resynchronize them. So maybe a contribution to a fund that helps support DOT and their synchronization might be something in order, but beyond that I just don't see the justification for a 30,000 square foot office/retail building.

Mr. Hedani: Additional discussion? Okay, do you want to vote on the -- I guess we have a motion with a condition that's attached to it at this point.

Mr. Starr: Mr. Chair, I think Mike was adding some wording, did that happen? Maybe he added some wording that would satisfy us all. Can always hope.

Mr. Munekiyo: I think, actually what I was thinking Commissioner, as you know, the County Council is nearing adoption of their West Maui Traffic Impact Fee legislation for which specific dollar amounts would be charged to applicants such as this project and so there is a fee structure eminent and hopefully that is the -- well, the purpose of the West Maui Traffic Impact Fee Ordinance is to allow incremental contributions from projects to address some of the broader regional issues. But, I think with respect to Commissioner Starr's comment, again, we could -- let me just read a suggested revision and I think it's a small revision but I think it helps to address the concern. "That the applicant shall prepare a traffic management plan to address traffic mitigation measures such as the use of onsite traffic monitors, signage, geometric improvements at driveways and traffic light synchronization requirements. A copy of the TMP shall be submitted to the planning commission for review and comments prior to the issuance of building permit." Again, what this does is we're just citing the kinds of examples that we will be able to look at and certainly as we meet and kind of consider what the options are it will broaden the list of -- you know, things that we can do. We'll try to get as many things as possible. But at this point, I think the concern of the applicant is this, he's willing to do whatever is reasonable and in line with the scale of the project is being proposed.

Mr. Hedani: Thank you. Discussion?

Mr. Starr: Yeah Mr. Chair.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Would the applicant be acceptable to changing the one word of comments to approval? If that's the case, I think I would certainly be satisfied with it.

Mr. Munekiyo: I think the difficulty and this is more of a practical issue, to the extent that we can address the comments of the commission, we will. But the approval implies that again, another hurdle when the project is really nearly implementation and so, we don't want to be in a position of having the project stalled. And needing to address something that may not be within our control again at that point. So that's why the word, comment was installed.

Mr. Hedani: Okay, thank you Mike. Commissioner Starr, it's the commission's motion. You can word the motion any way you want.

Mr. Starr: Okay.

Mr. Fasi: Perhaps in order to address Commissioner Starr's concern we could make condition no. 21 be retroactive in such that when the Council passes the traffic impact fee proposal that that formula be applied to this project retroactively.

Mr. Hedani: Okay, are you talking about a new condition 22 at this point or?

Mr. Fasi: Yes.

Mr. Hedani: Okay, can we cover the old condition 21 at this point that we're still stuck on? Commissioner Hiranaga discussion?

Mr. Hiranaga: Actually it's condition no. 20, right?

Mr. Hedani: Right. Condition no. 21 along with the main motion.

Mr. Hiranaga: Right. Just for information, why would the traffic study or plan have to come back to the commission for review and comment versus to the department? I don't understand why it would have to come back to us again. Is there a ?

Mr. Hedani: Because that's the way the motion was proposed.

Mr. Hiranaga: Okay.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: No, I was just going to comment because that's kind of like, for Commissioner Starr and Iaconetti. It was for their benefit.

Mr. Hedani: Additional discussion.

Mr. Iaconetti: I move the motion.

Mr. Hedani: Okay, question has been called for. Any further discussion? Commissioner Guard.

Mr. Guard: The traffic impact fee that could be paid at any time even prior to certificate of occupancy, correct Paul?

Ms. Suyama: Just for your information, the traffic impact fee that's being considered by the Council is payment upon issuance of a building permit. And you cannot retroactively tell somebody it's for traffic impact fee that does not exist today that you're going to be subject to it. So at the time of this project coming for building permit which because of the timing, it probably will be in effect for this project.

Mr. Hedani: Okay, the motion has been called for or there's been a motion to call for the question. Is there a second? Does it require a second? Okay, motion dies for a lack of a second. Additional discussion, Commissioner Freitas.

Ms. Freitas: Okay, I just want to be clear on something. So the motion is actually the motion I made with only 20 on it?

Mr. Hedani: Right.

Ms. Freitas: Okay.

Mr. Hedani: Are we all clear on what the motion is?

Mr. Fasi: Yes, that would be condition no. 20, right?

Ms. Freitas: Only.

Mr. Hedani: The motion is for approval of the staff recommendation subject to the addition of condition 20 which you just read.

Mr. Fasi: Correct.

Mr. Giroux: Could we clarify what condition 20 is?

Mr. Hedani: Are we all clear on what the motion is?

Mr. Fasi: Yes, that would be condition no. 20, right?

Ms. Freitas: Only.

Mr. Hedani: Right. The motion is for approval of the staff recommendation subject to the condition 20 which you just read.

Ms. Freitas: Okay.

Mr. Giroux: Okay, can we clarify what condition 20 is because there seem to have been last minute changes that I do not feel followed parliamentary procedure. So as long as it's clear that no. 20 is as it was stated originally without any subsequent changes to the verbiage and that needs to be clear. And so I think a restatement of what condition 20 is should be made very clear to the body.

Mr. Hedani: Okay, can you restate condition no. 20 Paul? Actually we should vote on the condition separately.

Mr. Giroux: Yeah, I mean, it should be a motion to approve and a condition to amend and then vote on the amendment and then go back to the main motion. That's not how it was presented to the body.

Mr. Fasi: Okay, this is getting hard to read. Condition no. 20 shall read, "that the applicant shall prepare a traffic management plan to address onsite traffic mitigation measures such as the use of onsite traffic monitors, signage and geometric improvements at driveways. A copy of the traffic management plan shall be submitted to the planning commission for review and comment prior to issuance of building permits." That was the original verbiage.

Mr. Hedani: Okay.

Ms. Freitas: You want me to restate my motion?

Mr. Hedani: Let me ask the commission this question, would you like to vote on the motion with the condition as stated or would you like to separate the two and vote on the condition first and then the main motion?

Mr. Giroux: The motion is already on the floor with a second so we need to clear that up. We need to call for the question I believe clear this matter up.

Mr. Hedani: Okay. The question on the floor for consideration is the motion with the condition no. 20 which was just read.

Ms. Freitas: Okay.

Mr. Hedani: You ready for the question? Commissioner Starr.

Mr. Starr: Just to be clear this motion deals only with the traffic study to be done of internal circulation in the shopping center and we don't approve it or anything. All we do is get to see it. So from my mind frankly it's a zero. So I don't see them contributing to the solution so I will not be in support of this measure.

Mr. Hedani: Okay, additional discussion?

It was moved by Ms. Freitas, seconded by Ms. Amarin, then

VOTED: To Accept the Recommendation of Approval of the Special Management Area Use Permit with Condition No. 20 as Discussed.
(Assenting – S. Freitas, J. Amarin, K. Hiranaga, J. Guard, W. Iaconetti)
(Dissenting – J. Starr)
(Excused – B. U'u)

Mr. Hedani: One nay. Motion is carried. Thank you. We're going to take a five-minute recess before we move onto the next item.

A recess was called at 4:18 p.m., and the meeting was reconvened at 4:23 p.m.

Ms. Eason and Mr. Guard were excused for the remainder of the meeting.

Mr. Hedani: Commission is back in session.

D. NEW BUSINESS

- 1. MR. JEFFREY HUNT, Planning Director requesting comments on the Draft Environmental Assessment prepared in support of legislative actions for the proposed West Maui Hospital site at the southern end of TMK: 4-4--006: 070, Lahaina, Island of Maui. (EA 2007/0005) (CPA**

**2007/0002) (DBA 2007/0004) (CIZ 2007/0006) (A. Cua for J. Dack)
(Copies of the draft EA were circulated to the Maui Planning
Commission members at the March 13th meeting.)**

**The Environmental Assessment trigger is the planned Council-initiated
Community Plan Amendment from Agriculture to Public/ Quasi Public.
The Council Resolution approving the Council Resolution transmitting
these changes to Maui Planning Commission is scheduled to be heard
at the Full Council's March 16, 2007 meeting. The Council Land Use
Committee had recommended approval of the Council Resolution at its
February 28, 2007 meeting. The accepting authority for the
Environmental Assessment is the Maui Planning Commission.**

The Planning Commission is being asked to:

- a. Provide concurrence on the filing of the Draft Environmental
Assessment and the Anticipated Findings of No Significant
Impact (FONSI) with OEQC for publication.**
- b. Provide comments on the draft Environmental Assessment.**

**The public hearing on the anticipated Community Plan Amendment,
District Boundary Amendment, and Change in Zoning will be
scheduled for a future date after the Chapter 343 process has been
completed.**

**The Commission may act on the requests for concurrence and
comments**

Mr. Hedani: Mich, you want to do the presentation?

Mr. Mich Hirano: Yes, good afternoon Chair Hedani and Commission Members. My name is Mich Hirano with Munekiyo and Hiraga and our firm is assisting the West Maui Improvement Foundation with the draft Environmental Assessment for the proposed West Maui Hospital. We have prepared a power point presentation to just summarize the project for commissioners. Rowena Dagdag, a planner from our office will be assisting in running the power point presentation so if we could have the lights please and I'll just go over the power point. We have a handout for the power point as well which may aid the commissioners in their questioning after the presentation. So I'd like to just hand that out. Carolyn, can I just?

Ms. Suyama: Mich, because of time constraints can you kind of like shorten your

presentation to just the major points?

Mr. Hirano: Okay, I will. The applicant is the West Maui Improvement Foundation. The project location is in Lahaina, Maui and the type of document is the draft Environmental Assessment. The applicable environmental assessment review triggers is a community plan amendment and the use of County and State lands. The approving agency is the Maui Planning Commission and it's an anticipated finding of no significant impact.

Project site is to the northeast of the Lahaina Civic Center. This Honoapiilani Highway, this is the Lahaina bypass alignment. The project is a 14.9 acre site which is in presently the state agricultural district. The proposed access road would be from Villages of Leialii Parkway and there will be a access road going up into the 14.9 acre project site.

This is part of the – the project site was developed in consultation and as part of the Kaanapali 2020 plan which is a community-based planning process that commenced in 1999. The West Maui Hospital was planned in the context of this master plan. However, because of the time line due to the long lead time for the entitlement process for the Kaanapali 2020 plan, the West Maui Hospital was bifurcated from that application or from that project area and is on its own separate entitlement track. So this is the Kaanapali 2020 plan and this is the West Maui, proposed West Maui Hospital site in the context of the 2020 plan.

This is the Leialii Parkway. This is Honoapiilani Highway. Access to the Lahaina Civic Center area is through Leialii Parkway and Kaahi Street. This is the post office, the tennis courts at the Lahaina Civic Center. This is the Comprehensive Health Facility. Police Station, Lahaina Civic Center, Fire Station, Lahaina Court House. The County Parks and Recreation Department is asking the State of Hawaii with the support of the County of Maui of course, to get an expansion to their parking area so that they can expand their parking area for the civic center. And they have approved in principle this access route to the West Maui Hospital site. Because the original primary access was developed in context with the 2020 plan which has a connector road from this area up to content to the hospital, a temporary access route had to be developed from the south and this is the proposed access route to the county parcel.

The hospital floor plan, 25-bed hospital. This is the entrance to the hospital. It will be in this particular quadrant. There will be three surgery rooms, operating rooms, at the hospital, a radiology room, 35 beds are kind of along the perimeter of the hospital. There's emergency entrance and as well, a recovery room after surgery. These are the support staff lounges, doctors lounges, nurses lounges, this is the recovery and ...(inaudible)... rooms for after you leave the hospital and there are as well, six dialysis bays in this particular area of the hospital. It's a 90,000 square foot facility. It's a single story facility and these are just the elevations of the hospital.

Maui County Resolution they unanimously approved. A Council adoption of a resolution urging the State Legislature and the Governor of the State of Hawaii to facilitate the establishment of a West Maui Acute Care Facility. This was in 2002. Prior to the West Maui Improvement Foundation securing the hospital site – the Council realized that Maui is the largest resident population center with a premiere visitor destination currently without a acute care facility. And the need for the hospital arises from its geographic distance from Maui Memorial Medical Center. They're at least 45 minutes drive time away from receiving acute care health. And the 45 minutes is really during the best of conditions and it could take up to 90 minutes to get to the Maui Memorial Medical Facility.

In terms of purpose and need, the average resident population – resident and visitor populations 50,000 in West Maui on a daily basis, 25 miles to Maui Memorial Medical Center and is on average 61 to 66 minutes from calling 911 to be transported by ambulance to the Maui Memorial Medical Center.

An August 2004 study concluded that the supply of acute care and long term beds are insufficient on the island of Maui and up to a 159 additional beds by 2025 need to be added to Maui Memorial Medical Center's capacity to meet the growing demands. In terms of this table and it's very difficult to read, but right now they say that 12% of the Maui residents continue to be hospitalized in Oahu. We've accounted for the 35 bed addition at Maui Memorial Medical Center. The current need in 2005 is six additional beds, however when you factor in the fact that 12% of the residents leave the island for medical care and if those – if a portion of those stayed on the island because of additional facilities and new facilities, the existing need is 31 beds. When you project that out to 2005, with the continued 12% off island, continuing to go off island for medical attention it's a 159 beds that will be required. And 2001 beds if 12% of those that are leaving would be able to be treated on Maui. So there's quite a drastic need for hospital acute care facilities on Maui.

Again, this is the project site, the TMK is a portion of a much larger TMK. The TMK is owned by Kaanapali Development Corporation and they have dedicated this 14.9 acre site to the West Maui Improvement Foundation.

Land use entitlement processing, the current land use designation, State Land Use designation is agricultural. The West Maui Community Plan is agricultural land use, and the Maui County zoning is in agricultural district. So the land use designations would be to have a State Land Use Boundary Amendment to change the State Land Designation from agricultural to urban. Have a West Maui Community Plan Amendment to change the land use designation from agricultural to public/quasi-public and Maui County change in zoning from agricultural to P1, public/quasi-public.

In terms of action items and next steps, the finalized – we have to finalize the draft environmental assessment and anticipated FONSI. We'll file the final EA and FONSI with

the Office of Environmental Quality Control. After the final FONSI has been published, the Maui Planning Commission then will be reviewing the draft land use ordinances that have been transferred or transmitted by the County Council and those land use ordinances are district boundary amendment, change in zoning and a community plan amendment. These are Council initiated. Councilmember Jo Anne Johnson from the west side of Maui has initiated these land use ordinances and the Council had adopted to transfer those to the Maui Planning Commission for review and comments and recommendations.

The West Maui Improvement Foundation will also be submitting the application for a certificate of need to the State Health, Planning and Development Agency and this will be done after the entitlements are in place. So thank you very much for your attention. Joe Pluto from the West Maui Improvement Foundation and Mehalani Strong, the Executive Director of the West Maui Taxpayers Association are also in attendance this afternoon to answer any questions the commissioners may have. So thank you very much for your attention and time. Thank you.

Mr. Hedani: Thank you. Questions for the applicant? Commissioner Starr.

Mr. Starr: As West Maui develops when this facility needs to be expanded will – is it being built in such a way that it can be expanded?

Mr. Hirano: Yes, Commissioner Starr. Right now the proposed plans are for approximately a 260-stall parking area as well as 90,000 square feet of hospital. There is a section on the east side of the site that is available for expansion.

Mr. Starr: Okay, as medical facilities kind of grow into a community there becomes a need for ancillary commercial or light industrial space for, you know, doctors offices, rehab facilities, laundry, whatever. Reading through the document I couldn't identify any areas in the near vicinity that would be suitable for that. Is it possible to identify and prepare some space where those kinds of facilities could exist in proximity?

Mr. Hirano: Yes, if you look on I think it's figure 4 of the application document there's the Kaanapali 2020 land use plan which is a long term development plan for that area.

Ms. Freitas: Figure 3.

Mr. Hirano: Figure 3, thank you Commissioner Freitas. So the development of the site if it's part of the larger 2020 development plan there are certainly other land uses and space available, land available for those other support facilities.

Mr. Starr: That's what I was hoping but when I looked at 2020, I couldn't – figure 6 I believe it is, it looked all residential and I couldn't find the – any business commercial.

Mr. Hirano: I think – I thought there was approximately 20 acres of business and commercial and maybe they're on the northern portion of the site as well, down by the road, Honoapiilani Highway.

Mr. Starr: I see something –

Mr. Hirano: There are some mixed use areas.

Mr. Starr: That's far, far away.

Mr. Hedani: You have mixed use multi family.

Mr. Hirano: Mixed use multi family on the lower north portion of the site, yes.

Mr. Hedani: Directly above the site.

Mr. Starr: I see multi family.

Mr. Hirano: Multi family.

Mr. Starr: But you can't – You can't put a doctor's office or –

Mr. Hedani: There's 12.8 acres above it.

Mr. Starr: Oh, okay. Would that be suitable for putting ancillary medical ..(inaudible)... multi family.

Mr. Hirano: Yes, the mixed use would probably have commercial facilities on the main floor and second floor would be residential or it would be either free standing commercial, retail offices, administrative as well as residential in those areas.

Mr. Starr: Okay, as a comment I'd like it if there's a way to move some of the multi family into a mixed use just so we're not limiting those ancillary uses.

Mr. Hedani: Okay, what the commission is being asked to do at this point is listed in our agenda, item a is to provide concurrence on the filing of the draft environmental assessment and FONSI and to provide comments on the environmental assessment at this point. Any additional questions for the applicant? Commissioner Iaconetti.

Mr. Iaconetti: The West Maui Improvement Foundation has been working on this for years primarily under the direction of Mr. Pluto, and I think the Foundation and Mr. Pluto should be commended for this efforts to make such a development which obviously is needed on

West Maui, and being an octogenarian, there's nothing more than I would like to have on West Maui is an acute center.

I am a little concerned about calling it the proposed West Maui Hospital and would prefer to refer to it as the West Maui Medical Facility. The reason for that is that many of the things that people would expect to be able to have treatment for in a facility as small as this, aren't going to be possible for several reasons.

First of all, the cost of the equipment. Secondly, the maintenance of personnel of who would be able to man the equipment and thirdly, maintaining individuals over there with a diminished amount of people coming to them and this is not from a monetary standpoint, it's from the standpoint of being able to maintain your abilities. I think that by inferring that this is going to be a full service hospital taking care of such things as acute coronaries, acute strokes, new born facilities which are not even adequately maintained in the larger hospital I think we're clouding the issue a little bit and I think it would be much wiser to begin with a proposed West Maui Medical Facility rather than a hospital.

Mr. Hirano: Thank you very much for those comments Dr. Iaconetti. We'll take those into consideration and I think that as well will be with the West Maui Improvement Foundation. I hope that as we go through this EA process that we can stay with hospital just to complete it. And then perhaps when it comes back for the entitlements, the land use entitlements then at that point the renaming it to a more appropriate and suitable name would be considered.

Mr. Iaconetti: I don't understand why you want to wait until that point.

Mr. Hirano: I think as we go through the environmental assessment because of the terminology it might be more difficult – or I mean, it might confuse the readership by having it as a hospital in the draft and then acute care facility in the final. And I also think that those are probably decisions that are beyond our scope in terms of the drafters of the EA and it would be the West Maui Improvement Foundation to name it what they feel would be appropriate. But we can certainly take that into consideration. And perhaps if they want to do it that way, we could redraft it to that.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: Well, rather than confuse the readers, I think it would enlighten the readers to realize what we are actually going to be able to develop here and I don't think it's a question of confusing anyone, I think it's simply telling the truth. This is what we're going to be able to do with a facility this size and the community this small.

Mr. Hirano: Thank you for those comments.

Mr. Starr: Could we hear from Mr. Pluta on that?

Mr. Hedani: Additional comments? Commissioner Hiranaga.

Mr. Hiranaga: I'd just like to say I agree with Commissioner Iaconetti's concern, using the word, "hospital." I think it's misleading.

Mr. Hedani: Okay, additional comments, Commissioner Starr.

Mr. Starr: Yeah, I'd like to hear from Mr. Pluta on that issue.

Mr. Joe Pluta: Thank you very much. Do I have to introduce myself?

Mr. Hedani: Yes.

Mr. Pluta: Joe Pluta, President of West Maui Improvement Foundation. Thank you for that question. We don't care what we call it quite frankly. You can call it anything you want, but I understand what you're talking about. If there's any confusion, we want to eliminate any confusion. We certainly don't want people to be confused. We do know that this is a land use we've got to get settled and the State of Hawaii Certificate of Need process is going to tell us what we can do and can't do on the project. So this – you know, asking what name it's going to be called and what can actually be done there is going to be subject to a rigorous investigation and determination by the State of Hawaii through the Certificate of Need process which we fully intend to do, but which can't be done until we get the land use settled. So I think the question about what really is going to be performed there and how it's going to be performed and all that's going to be chewed up in great detail through the certificate of need process which we fully intend to go through, and they will be licensing that.

Mr. Hedani: Thank you. Additional questions? Commissioner Iaconetti.

Mr. Iaconetti: Do you think Joe that it would be easier to get it through a certificate of need process if you called it a medical facility rather than a hospital realizing what's recently happened in South Maui.

Mr. Pluta: Thank you. You know considering what's happened to South Maui I don't think anything is easier. I just anticipate everything to be as difficult as possible just going to – from what I've experienced. We certainly want to take an easy road. What we're doing in the West Maui Improvement Foundation is laying the ground work only. It's not our intention to be the owners, operators and service providers of the medical facility. We are just a community organization trying to save our own lives over there and to set the ground work like we did for the Napili Fire and Ambulance Station and then give it over to experts

to run like the County of Maui's Fire Department.

We're giving this over to experts to run the hospital. They're the ones who will be applying for the Certificate of Need. And our discussions with them is that they fully intend to make this a full community hospital. It will be their millions of dollars investment to do that and they're the ones who...(inaudible)... approved, the State of Hawaii will grant them a Certificate of Need and they fully believe that they are able and capable and ready and willing to do that. So, you know, that's fine with us. We're just laying the ground work. We ask your help and indulgence to allow the land use change to enable us to get to the next step.

Those important details that you're talking about now are very important and they're going to have to be rigorously addressed as we've seen through the South Maui process and they're going to be criticized severely and analyzed and reanalyzed probably and hopefully the net result is going to be clear and concise and the community will understand exactly what it is that they could expect, receive through, you know, much discussion and negotiations and elaborations. I think that's a different issue. I don't want to – I mean, I understand that is an issue and at some point in time that has to be addressed. I wish that at this time we could just talk about land use and zoning as opposed to all the operational difficulties which we'll have to be going through under great detail and scrutiny by the CON process.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yes, you know, we are here, we're kind of reviewing this document and I happen to agree with the comments that Dr. Iaconetti made and, you know, having been – you know, spent some time recently at the legis and seeing what the lobbying motions and kind of the hot button issue things in Kihei have become. The term "hospital" has become a very loaded word. I would much rather see it called something else, you know. First of all, as Doctor said it's kind of creating expectations that aren't going to be realistic. I would like to ask Mitch would be a – would it slow – I don't want to slow it down because I want to see it happen. I want to see it happen yesterday, but is it possible just to change to change the name on this document because I've – I haven't heard much about it until we came here but I know as soon as people do it's –

Mr. Pluta: – any you want to call it.

Mr. Hirano: No, it won't be a problem. I mean, we can do it. So if that's the wish of the commission and the comments, we'll do it.

Mr. Starr: My comment is that we should change the name.

Mr. Hedani: Okay, I think what we need to remember –

Mr. Hirano: These are comments and we'll respond to it.

Mr. Hedani: Right. I think what we need to remember as a commission is what they're asking for are comments on the environmental assessment that they've prepared. So if there's an environmental impact to the name then by all means provide a comment regarding the name.

Mr. Starr: There is. I think the name will create heat in the environment. So in an environmental light we should change it, change the name.

Mr. Hirano: I think we can do that.

Mr. Hedani: Commissioner Amarin.

Ms. Amarin: Yes, thank you Chair. I just want to offer some background that I know of. Maui Memorial it was hospital. Nine years ago, it was called Maui Memorial Hospital. Today it's called Maui Memorial Medical Center. What significance and why the changes I'm not sure about, but as far as West Maui having a hospital, it's 50,000 residents is the population today?

Mr. Hirano: Residents and visitors. The population of West Maui is about 19,000. But there are many visitors who rely on the service as well.

Ms. Amarin: Okay, but taking that in account when I first moved here to Maui in '72, the whole Maui County had 50,000. And so they're in dire need and we just want to see this go forward.

Mr. Hirano: Yes, I think everyone's in agreement that we want to move forward with it.

Ms. Amarin: There's a lot of things that's going to happen before it gets in place. I understand that.

Mr. Hirano: I think when we first started it was the West Maui Acute Care Facility and then it went to hospital, so we go back to facility.

Mr. Hedani: Any additional comments for the applicant? Any additional comments on the application? Commissioner Iaconetti.

Mr. Iaconetti: I'd like a little clarification on the road leading up to it. Who's bearing the cost of that road?

Mr. Hirano: Right now it's – I believe it's a State road. It's within the Leialii and then the Kaahi Street is a County road. The traffic impact assessment that was performed for the assessment, for the environmental assessment which is included in the environmental assessment indicates that there will be traffic impacts with the project and that they propose a fair share mitigation to those impacts. So the West Maui Improvement Foundation as part of their fundraising will need to develop fundraising to do the traffic mitigation as well as it's recommended in the report. But that will go to I believe the State and to the County.

Mr. Hedani: Mich, does the facility have plans for a heliport?

Mr. Hirano: We didn't have that in the application. It wasn't mentioned in the application. Possibly in the future it could but right now –

Mr. Hedani: So there's no provision at the current time anyway.

Mr. Hirano: At the current time it wasn't included.

Mr. Starr: Can we make that a comment?

Mr. Hirano: Yeah, it would be appropriate.

Mr. Hedani: Okay, additional comments? Commissioner Amarin.

Ms. Amarin: I have a question to Mich. You had done your presentation and you showed the routing that's back of the civil – in the back there and then going down and then you said there's going to be later on a State road from the highway going up later?

Mr. Hirano: Well, Villages of Leialii can be as part of the long range plan connect to the bypass to the –

Ms. Amarin: A connector road.

Mr. Hirano: That would be a connector road. And there is a connector road as part of the 2020 plans to connect to the – between Honoapiilani Highway and Lahaina bypass route.

Ms. Amarin: Do you have any idea when that connector road will be in place?

Mr. Hirano: Well, that will be developed as part of the 2020 project. You know, the time frame on the 2020 project is not clear at this point, but it will be – they're working on the project and it will be probably coming to the entitlement process fairly soon.

Ms. Amorin: Okay, thank you.

Mr. Hedani: Any additional questions for the applicant?

Mr. Hirano: Just on the –

Mr. Hedani: Discussion?

Mr. Hirano: The heliport I think part of the comment was that the hospital is close to the West Maui Airport so there is some facilities there for airlift.

Mr. Hedani: Additional comments or questions?

Mr. Iaconetti: I personally think that if this would be appropriate now, I think we should consider a heliport at the hospital. The way things are right now if this were to be built there's a long way before you get to the airport from where the hospital is and if we're talking about time of the essence, I think a heliport is definitely needed and if that's appropriate for this document, that would be a suggestion.

Mr. Hedani: Additional comments for the applicant? I had a question Mich, 262 stalls for a 35 beds comes out to 7.--

Mr. Hirano: 90,000 square feet and I think it was based on that requirement, so many per bed as well as the administrative space that would be generated. So there was quite a parking component to the facility.

Mr. Hedani: Okay. Any additional comments from the commission? Seeing none, are there any members of the public that would like to offer comments at this time on the facility? Seeing none, the public hearing is closed.

Mr. Hirano: Thank you very much for your comments. Also just like to extend our appreciation for Commissioner Freitas. This is her last meeting I'd just like to thank her for her service and to Patricia for her service as well. Thank you. It's a pleasure working with you.

Mr. Hedani: Thank you Mich. What we need is a motion to provide concurrence on the filing of the draft Environmental Assessment.

Ms. Amorin: So move.

Mr. Iaconetti: I'll second.

Mr. Hedani: Seconded by Commissioner Iaconetti. Discussion?

Mr. Iaconetti: With the suggestions that we've made.

Mr. Hedani: Right.

Mr. Iaconetti: Yeah, I'll second it.

Mr. Hedani: Any additional discussion?

It was moved by Ms. Amarin, seconded by Mr. Iaconetti, then

**VOTED: To Provide Concurrence on the Filing of the Draft Environmental Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for Publication and Include the Comments and Concerns of the Commission.
(Assenting - J. Amarin, W. Iaconetti, K. Hiranaga, J. Starr,
W. Hedani)
(Excused - B. U'u, J. Guard, P. Eason)**

Mr. Hedani: Carried. Thank you.

Mr. Hirano: Thank you again Commissioners.

- 2. MR. JEFFREY HUNT, Planning Director requesting comments on the Draft Environmental Assessment prepared in support of the Pali (Papalaua Park) to Puamana Project at TMK: 4-7-001 (various), 4-8-002 (various), and 4-8-003(various), Lahaina District, Island of Maui. (EA 2006/0020) (J. Hunt and K. Aoki) (Copies of the Draft Environmental Assessment were circulated to the Planning Commission at its November 28, 2006 meeting.)**

As stated in the Draft Environmental Assessment, the EA triggers are for the use of County and State lands and County and/or State funds. A Community Plan Amendment is also contemplated as noted in the Draft Environmental Assessment. The accepting authority for the Environmental Assessment is the Maui Planning Commission.

The Planning Commission is being asked to:

- a. Provide concurrence on the filing of the Draft Environmental**

Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for publication.

- b. **Provide comments on the draft Environmental Assessment.**

The public hearing on the anticipated Community Plan Amendment and Change in Zoning will be scheduled for a future date after the Chapter 343 process has been completed.

The Commission may act on the requests for concurrence and comments

Ms. Kathleen Aoki: Good afternoon Commissioners my name is Kathleen Aoki and I'm a planner with the Long Range Planning Division. As you may recollect we brought this in front of the commission in November and had to defer to an error in the posting. I am afraid to report that my consultant had to leave. So I would like to ask at this time if we can have a deferral and do this at the next meeting.

Mr. Starr: Move to defer.

Mr. Iaconetti: Second.

Mr. Hedani: Okay, moved by Commissioner Starr, seconded by Commissioner Iaconetti to defer.

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

**VOTED: To Defer the Matter to the April 10, 2007 Meeting.
(Assenting - J. Starr, W. Iaconetti, K. Hiranaga, J. Amarin,
W. Hedani)
(Excused - B. U'u, J. Guard, P. Eason)**

Mr. Hedani: Carried. Thank you.

Ms. Aoki: Thank you.

Mr. Hedani: We wish all of the applications would be that fast. Next item.

E. COMMUNICATIONS

- 1. MAUI COUNTRY CLUB, LTD. requesting an amendment to Condition No. 1 of the Special Management Area Use Permit to extend the time to**

initiate project construction by two (2) years for improvements to the clubhouse, pro shop, parking lot, entry, and cart storage, construction of a fitness room, pool, parking pavilion, and repair of a tennis court at the Maui Country Club, 48 Nonohe Place, TMK: 3-8-001: 071, Spreckelsville, Island of Maui. (SM1 2004/0032) (L. Callentine)

The Commission may take action on this request.

Ms. Suyama: Livit Callentine is the planner on this. The report has been circulated to the commission. So unless there are questions for the planner as well as the applicant, you know, we could go into recommendation.

Mr. Hiranaga: Mr. Chair?

Mr. Hedani: Commissioner Hiranaga.

Mr. Hiranaga: I'm a member of the Maui Country Club. So I believe I should recuse myself from this issue since I have not decided whether I'm voting for this proposed renovation or not.

Mr. Hedani: Okay, so noted. Thank you very much. Commissioner Iaconetti.

Mr. Iaconetti: Would it be appropriate since all they're asking for is a extension to move in favor of the extension?

Ms. Amorin: Second.

Mr. Hedani: Motion to approve, seconded by Commissioner Amorin. Discussion?
Commissioner Starr.

Mr. Starr: Yeah, I had a question and I guess I'll take it up at this point. I just want to know how close the new construction which I guess the closest is a parking lot is from the shoreline? We don't have a shoreline shown on the drawing.

Ms. Callentine: Actually if you look at Exhibit 4. I know there's not an actual distance given here so I'll see if the applicant can actually answer that. On Exhibit 4 though it does show the project area and it does show the shoreline and I had – so far as I know it is not in a shoreline setback.

Mr. Starr: Okay, that's what I want to be sure. Usually on shoreline projects we are given a distance from the shoreline and we're shown where the setback is.

Mr. Hedani: Additional questions.

Ms. Callentine: I've been informed it is in excess of a hundred feet.

Mr. Hedani: Additional questions for staff? Commissioner Starr.

Mr. Starr: Yeah, how much is the setback there?

Ms. Callentine: Actually I don't have that information with me right now.

Mr. Starr: How can we be dealing with a shoreline project and not know what the setback is?

Ms. Callentine: Well, let me just remind you Commissioner Starr if I may that the commission actually reviewed this entire project and approved as planned in March of 2005. So it's all been reviewed, again, so I don't know procedurally if you can reopen issues like that.

Mr. Starr: May I remind you that it's expired and that's why they're before us.

Ms. Callentine: Well, it wasn't expired when they applied we just couldn't get it scheduled prior to the expiration.

Mr. Hedani: Okay, we're just dealing with discussion on the motion at this point which is to approve the time extension. Is there any further discussion?

Mr. Starr: Yes.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yeah there's no way that I can vote to approve a time extension on something if I can't be – if I'm not told whether it's inside the setback of the – according to the new rules or not. That's why it's before us.

Mr. Hedani: Thank you. Additional discussion, Commissioner Freitas.

Ms. Freitas: Are there some new rules that came up about shoreline since this was approved.

Ms. Callentine: This was approved in March of 2005. No, there are not any new rules since then pertaining to the shoreline.

Ms. Freitas: So everything remains the same, the only thing it is is a time extension. They're not moving any thing and it's already approved.

Ms. Callentine: Yes.

Mr. Hiranaga: Commissioner Hiranaga.

Mr. Hiranaga: Although I recused myself, am I able to comment?

Mr. Hedani: Please.

Mr. Hiranaga: My understanding is the project area is not oceanfront.

Mr. Hedani: There's a separate lot between them?

Mr. Hiranaga: There is a subdivided property between the project site and the ocean.

Mr. Hedani: So it's not oceanfront property?

Mr. Hiranaga: Yeah.

Mr. Hedani: Okay, thank you. Any further discussion? Ready for the question? Oh, I'm sorry. Are there any members of the public that would like to offer testimony on this item? Seeing none, the public hearing is closed.

It was moved by Mr. Iaconetti, seconded by Ms. Amarin, and

**The Motion to Approve the Time Extension was lost.
(Assenting - W. Iaconetti, J. Amarin, S. Freitas, W. Hedani)
(Dissenting - J. Starr)
(Recused - K. Hiranaga)
(Excused - B. U'u, P. Eason, J. Guard)**

Mr. Hedani: One nay, the motion is lost. We have one person recusing himself from the vote. So the vote is four in favor and one against.

Ms. Freitas: I have a question.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: I thought that you recuse yourself if you feel like you can't be objective. And if he feels like he could be objective about the project can he vote on it?

Ms. Suyama: His recusement is because he's saying that he's a member of the Maui Country Club and he would benefit from whatever construction that occurs at the Maui Country Club.

Ms. Callentine: So he has a vested interest I think as a member of the club.

Mr. Hiranaga: Well, if the Corporation Counsel has no objection to me voting I'd be happy to vote.

Mr. Giroux: I'd rather take the conservative. I mean, being that you are receiving a benefit from the project itself directly. I mean, you can get a separate opinion from the Board of Ethics but as far as if you're asking just from my take on it I'd feel more comfortable with a recusal at this time.

Mr. Hiranaga: I'm not sure if I'm receiving a benefit. They're going to have a special assessment and increase the dues so it's still up in the air.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Mr. Chair, I just do want to comment that if I did have the information on the shoreline issue I would probably – you know, I might be supportive but since we don't have it and we don't have the setback map or any of that, without the proper documentation –

Mr. Hedani: The property is –

Mr. Starr: I have voted against. Thank you.

Mr. Hedani: Okay, your comments are noted. We just wanted to point out that this property is not oceanfront property so it's not subject to the setback.

Mr. Starr: We don't know that, it's hearsay.

Mr. Hedani: Mr. Starr, I mean, Mr. Hart.

Mr. Hart: Am I Mr. Starr?

Mr. Hedani: I always see you two folks together in any issue that's why.

Mr. Hart: I see. Could I say something? Again, my name is Chris Hart and our firm brought this before the commission in 2005, and it was granted an SMA permit and the property is not an oceanfront property, the portion that we're talking about. Actually it's a six-acre portion that's identified on the site plan outlined in yellow and there is a portion of land that

belongs to A & B that's between the property and the ocean. So we did not have – we were not required to basically certify the shoreline because it was not an oceanfront property.

And the property approximately it's more than the – the portion that's being discussed as far as new construction is more than a hundred feet from the shoreline. The project itself essentially of renovation of existing buildings. The area that we're discussing where there is a parking area is located there. The remainder of the project, lets see this is essentially a caretaker's house that already exists. This will be a fitness building that will be constructed. The remainder of the project consists of a renovation to the clubhouse, basically a renovation to the pool pavilion and a renovation or actually a new pro shop.

And we did make a timely request for an extension. It was made something like a 126 days prior to the expiration date and the time that was required was 90 days. And the reason that the project has not moved forward is because the membership of the country club has not approved the proposal to renovate – basically the assessment to renovate and there is a current reconsideration that's before the club now and that's going to take place on April 14th. And essentially what they've done is broken the project into phases essentially so the initial assessment will be much less than what was originally proposed. And I might add that Mr. Dale Bassford here who is the general manager of the club is present in our audience.

Mr. Hedani: Okay, would you put the photograph back up Chris?

Mr. Hart: Sure.

Mr. Hedani: I think the current setback requirements are tied to erosion rates along the shoreline?

Mr. Hart: Right.

Mr. Hedani: I know that particular area is fronted by like a barrier reef that's in front of a very large pool or tide pool and it's comprised of coral rock which in my estimation is not going to erode in any point in the future.

Mr. Hart: Right.

Mr. Hedani: So I don't know if the concern is erosion or beach erosion that you're concerned about but it's a protected area behind a fringing reef essentially that's high and dry at low tide.

Mr. Starr: I think that's probably the case but I would really like for staff to be prepared to

answer the question and when it comes back then –

Mr. Hedani: Livit, does anybody have a scale that can scale off the distance on that map?

Ms. Callentine: I don't have a scale with me.

Mr. Hedani: And you don't have the erosion rates.

Ms. Callentine: No. I'm looking through the original report.

Mr. Hedani: Okay, then at this point I think what we should do is defer the decision on this particular item and move on.

Ms. Freitas: I have a question.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: If I may, you know, this is really sad because this is where I believe we reached the level of being unfair. I think that you shut yourself off and you refuse to listen to anything that's being said and if you heard the man, they actually submitted in a timely manner. It didn't get before us, that's not their problem. And now, when it wasn't their problem and they're here, you find this, they're giving you every answer that you ask for but because maybe it's not coming out her mouth I don't understand it. It's been approved, there's no changes, you heard everything you need to hear and yet you sit there and you put a block up. I mean, I can't understand where you're coming from. Maybe you could explain it to me because this isn't fair. I mean how could you do that? You're going to sit on this commission is this is what's going to happen, it's going tie everything up. I don't get it.

Mr. Hedani: Thank you Commissioner Freitas. Is there any business before the commission at this point? What's your pleasure? Would you want to move on, you want to move? You want to move to defer?

Mr. Iaconetti: Would it be appropriate to ask for a reconsideration of the motion at this time.

Mr. Hedani: If you voted in the affirmative. There's a motion for –

Mr. Iaconetti: Reconsideration.

Mr. Hedani: Is there a second?

Ms. Amorin: Second.

Mr. Hedani: There's a second. Discussion? Is it going to make a difference?

Mr. Starr: No.

Mr. Hedani: Okay.

Mr. Starr: When staff is properly prepared I'll be happy to act on it. I move to defer to the next meeting.

Mr. Hedani: All those in favor of the motion for reconsideration signify by saying aye.

It was moved by Mr. Iaconetti, seconded by Ms. Amarin, and

**The Motion for Reconsideration was Lost.
(Assenting - W. Iaconetti, J. Amarin, S. Freitas, W. Hedani)
(Dissenting- J. Starr)
(Recused - K. Hiranaga)
(Excused - B. U'u, P. Eason, J. Guard)**

Mr. Hedani: One nay. The motion is lost. What business is there before the commission? What's your pleasure?

Mr. Starr: Do we need to move to defer to the next meeting?

Mr. Hedani: Yes, you would.

Mr. Starr: I so move.

Mr. Hedani: Motion to defer. Is there a second? Motion is lost for failure of a second. Livit, lets solve this. Who can you call that can give us the answer?

Ms. Callentine: Right at this moment, Thorne. Thorne, maybe. Yeah, I was actually going to ask for a clarification of exactly what information you need before – well, you didn't vote to defer it but information do you want from staff?

Mr. Starr: I want the usual information we get on a shoreline project.

Ms. Callentine: This is not a shoreline project. This property does not abut the shoreline. There's open space between it and there the –

Ms. Suyama: May I clarify something for you Livit? I think what Mr. Starr is saying is that he believes this is – if it's subject to the present rules, it doesn't matter whether you're a

shoreline property or not. He needs to know what is the erosion rate and if that erosion rate fronting this beach will affect the project itself. I believe that's what Mr. Starr is asking.

Ms. Callentine: Is that what you're asking Commissioner Starr? What the erosion rate is?

Ms. Freitas: Does he know what he's asking for?

Mr. Starr: I'm asking for staff to be properly prepared and to come back to us in that situation.

Ms. Freitas: She's asking what does that mean? She asking how does she become properly prepared and you're answering her.

Mr. Starr: We have projects along the shoreline all of the time and this is a first time since I've been on the commission that we've had one before us where we don't have any proper either map showing the parcels or showing – or its setbacks or erosion rates or any of that. So I'm asking that it be treated in the normal process.

Ms. Callentine: Well, I apologize to you commissioners if I seem prepared. The fact is from my perspective all of these issues had been discussed and determined prior to the approval that was granted by a different composition but the same body. And so –

Mr. Hedani: Livit, in this particular parcel is there such a thing as a shoreline setback?

Ms. Callentine: Not on this parcel because this parcel is not abutting the shoreline.

Mr. Hedani: So shoreline setback does not apply to this parcel.

Ms. Callentine: Correct.

Ms. Suyama: Just to clarify something. The shoreline setback is not presently the way our rules read is not subject to whether you're an abutting parcel or not. It's based upon erosion rate and erosion rate means that it could cross property lines of a parcel that is not abutting the shoreline may be subject to that setback requirement.

Mr. Hedani: Okay, Commissioner Hiranaga.

Mr. Hiranaga: I believe deferring this matter to the next meeting will not impact the Country Club's renovation project time line.

Mr. Hedani: Right. You're still voting amongst your membership anyway.

Mr. Hiranaga: Yeah, so if you would move it, defer it to the next meeting, first agenda item I think that is fine.

Ms. Cua: Excuse me Mr. Chair, Thorne Abbott is coming down if you want to give that a try, he's right up stairs.

Mr. Hedani: Fine. Okay, lets move onto the minutes of February 13th.

F. MINUTES OF THE FEBRUARY 13, 2007 MEETING

Mr. Hedani: Are there any additions or corrections to the minutes? If not, then the minutes will stand approved as circulated.

G. DIRECTOR'S REPORT

- 1. Planning Commission Projects/Issues**
- 2. Status of the Kahoolawe Site Inspection**
- 3. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission on the March 13, 2007 Director's Report**
- 4. EA/EIS Report**
- 5. SMA Minor Permit Report**
- 6. SMA Exemptions Report**

Ms. Suyama: Under Director's Report, just for your information, we have received the resolution, the copies of the resolution for the West Maui Hospital in which they're asking the commission to consider the district boundary amendment, community plan amendment and change in zoning for this property. And at some later date after the EA process is completed, we will schedule the public hearing on the resolution.

The other thing that we have is we have submitted the most recent report on the minor permits for the area. There are a total of eight minor permits that were approved by the department and in accordance to your rules we're submitted the report identifying the minor permits approved between February 26th to March 14th, 2007 and we ask that if you have no questions to accept the report, receipt of the report.

Ms. Amorin: So move.

Mr. Hedani: Motion to accept the report by Commissioner Amorin. Is there a second?

Mr. Iaconetti: ...(inaudible)... don't have any discussion?

Ms. Suyama: Unless you have some discussion.

Mr. Starr: I have a question and I think Doc has one too.

Mr. Hedani: Is there a second? Motion dies for lack of a second. Go ahead.

Mr. Iaconetti: The short term status – the short term rental status of – this is on page 6, and it's the second one from the top, transient vacation rental at Napili.

Mr. Hedani: And the question?

Mr. Iaconetti: Where is it, what is the status? It says open which means to me that it has not yet been approved. I'm just wondering if it is in an area where short term rentals are legal.

Ms. Suyama: This is the Fortune Vacation Rental then in Napili.

Mr. Iaconetti: Yes.

Ms. Suyama: I will have to get back with you as to the status. And this is an application that's on file with us.

Mr. Iaconetti: And then another one on that same page concerning short term rental in Lahaina. Lahaina is a big area, where is it?

Ms. Suyama: The Denoto one?

Mr. Iaconetti: Yeah. And there have been a few where the area permit name and area, the permit name is there but the area is not depicted and I would like to be able to know where the project is so that we can adequately evaluate it.

Ms. Suyama: Okay.

Mr. Iaconetti: And I've got one more question and then I'll stop. Tony Roma's renovation of the second floor of the – I can't think of the name of the people that own the building or originally built it.

Ms. Suyama: What page is that?

Mr. Iaconetti: This is on page 9. It's about four or three up from the bottom. I'm concerned about the access to the second floor. That building has a lot of interesting background to it. The second floor was utilized for other purposes after the war, during the war and probably for some time after the war and now they're going to put a restaurant up there. What is the access to this place. Now it's probably none of our business. I assume that

the building people will determine whether or not this is adequate. That's an old wooden building and I'd be very concerned about a restaurant on the second floor which has nothing to do with what it used to be used for.

Mr. Hedani: Colleen.

Ms. Suyama: So these three I will have to get back to you.

Mr. Iaconetti: Okay.

Ms. Suyama: And these are still open applications.

Mr. Iaconetti: Yeah.

Mr. Shupack: Colleen, I'm fairly certain that the two TVR applications are applications that are in abeyance applications that were filed as conditional permits that are in abeyance. Those SMXs just reflect the SMA assessment that they—

Ms. Suyama: Right. So what I'm going to do, is like at the next meeting I'll do a memorandum to the commission explaining what the applications are and if it's related to another application.

Mr. Hedani: Additional questions? Commissioner Starr.

Mr. Starr: Yeah, I'd just like some more information on page 1 of the PD approved SMA minors on Maliko Cliffs tank and how close to the cliffs that is, what is it.

Mr. Hedani: Because staff cannot respond at this particular point in time what I would suggest is that all the commissioners that may have questions on the SMA minor permits or exemption reports call in those questions to the department ahead of time so the appropriate staff person that's responsible for that project can be present at the time we consider those conditions and give us a report on its status. Okay, if there's no further questions then we'll go ahead and accept those reports as they were presented subject to response on those items. Any other items to cover at this point, Colleen? We'll just go ahead and accept those reports.

Mr. Giroux: Chair, did that include the SMA minor?

Mr. Hedani: The EA/EIS Report, SMA Minor Report and the SMA Exemptions Reports. Commissioner Iaconetti.

Mr. Iaconetti: The status of the Kahoolawe Site Inspection. I have reason to believe that

this is definitely in the process and is being strongly considered. In fact, I think has been okayed and I really think that Suzanne ought to be invited to go along.

Mr. Hedani: Good news it's been approved and bad news is we're going to have to swim. Okay, is there any further business before the commission?

Mr. Iaconetti: You know, several times in the past and once in the relatively near past we have requested the traffic, the county traffic engineer to be present at these meetings. I have yet to meet this gentleman, if it is a gentleman, and why isn't he here? I mean, Mike's here.

Mr. Hedani: Colleen, do you have an answer to that?

Ms. Suyama: Well, the representative from the Public Works Department is Mike Miyamoto as the Deputy Director. I didn't know that in the past that you had asked for the traffic engineer which I believe is Joe Krueger for the Public Works Department to be present at your meetings. I can see if we can make a request but you want them at every meeting?

Mr. Iaconetti: Not necessarily, if there's nothing pertaining to traffic, no. But I can't think of a meeting when we didn't have something pertaining to traffic.

Ms. Suyama: I can put a request into the Public Works Department.

Mr. Hedani: Livit, is Thorne coming down or shall we go ahead and adjourn?

Ms. Callentine: I just went outside and looked to see if he was out in the hall and I did not see him.

Mr. Hedani: Okay, so we're just going to adjourn the meeting at this point. We'll take it up at future date.

Ms. Callentine: Yeah, defer it.

Mr. Hedani: Okay, so lets go ahead and reschedule that for a future meeting.

Ms. Callentine: And I'll get the information that you've requested on the erosion rates and shoreline setback and so forth.

Mr. Hedani: Okay, if there's no further business before the commission, we're adjourned. Thank you very much for staying late. Appreciate your effort.

H. NEXT REGULAR MEETING DATE: APRIL 10, 2007

I. ADJOURNMENT

The meeting was adjourned at 4:46 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

Present

Wayne Hedani, Chairperson
Jonathan Starr, Vice Chairperson
Kent Hiranaga
John Guard (excused at 4:18 p.m.)
Suzanne Freitas
Johanna Amarin
William Iaconetti
Patti Eason (excused at 4:18 p.m.)

Excused

Bruce U'u

Others

Colleen Suyama, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works and Environmental Management