

1 say, the community plans and the ordinances.

2 CHAIRPERSON AMORIN: Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: Does the current
4 community plans address that? Are you talking about a
5 future community plan?

6 MR. ALUETA: I would say future because, like I
7 said in my staff report, I have issues as far as my being
8 consistent. Like this law is consistent for Wailuku, but
9 it may not be, and it is not consistent with several
10 documents -- several other community plans.

11 Like I said, we started out trying to write some
12 of where it could logically be. And then when we started
13 reading, going through the community plans, I found
14 language that was contrary to me writing this ordinance.
15 However, we had gone down and we talked about it with the
16 director, and that is that we're going to put it forward
17 to say, hey, this is an area where we think it could be
18 appropriate because it was, prior to 1991, small inn or
19 motels were allowed within the business district.
20 However, you know, it might have been as a result of some
21 community plan language that they wanted taken out.

22 So may want to just leave it open. You know, I
23 am not married to any of this at this point on the
24 business part. Because I do find contrary languages. But
25 we want to put it out there for discussion purposes. And,

1 you know, potentially, hopefully, some community plan will
2 pick it up like Wailuku did, and Kahului.

3 CHAIRPERSON AMORIN: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: I would like to suggest
5 a maximum of 20 rooms or unless further restricted by the
6 applicable community plan. That way you do set a limit,
7 then if the community plan determines it should be less,
8 then let the community plan apply. But I think to leave
9 it open, you leave the exposure of it being more, also.
10 So --

11 And my last comment or second comment is just
12 clarify number D on page two. We talked about people who
13 -- this is like a grandfather clause, right.

14 MR. ALUETA: This applies to existing
15 businesses. There are some non-conforming hotels within
16 the business district as well as other non-conforming
17 zoning categories. I have had -- I guess we don't have
18 Corp Counsel, but my understanding of this, and I will be
19 clear about this, is that even if you got a conditional
20 permit, right, to operate a TVR today or yesterday or last
21 year, if this bill was adopted, as this restriction
22 states, that when you get your conditional permit, we
23 would not recommend the approval for that conditional
24 permit because, again, it is a conditional permit, not a
25 non-conforming entitlement.

1 If you want to make this be clearer to us on
2 this -- but, again, you've allowed -- you are not taking
3 out conditional permit. You are leaving 19.40 in. This
4 would only become harmful, in my mind, if you -- if you
5 did adopt and eliminated TVRs from obtaining conditional
6 permits. And then as those new -- as they come in for
7 renewal, this law would kick into effect in which we would
8 not be allowed to renew their conditional permit. They
9 would get to operate it to the term of their conditional
10 permit.

11 We wouldn't say if you got a permit for five
12 years and this got adopted, you know, tomorrow, and you
13 removed the conditional permit process, then that person
14 would get to operate for the life of his term -- of his
15 permit, which is -- as I said, has a term limit. And
16 because you are limiting the conditional permit process as
17 well as this, it would -- they would no longer be able to
18 operate.

19 COMMISSIONER HIRANAGA: But because we left a
20 conditional permit in, they could come for an extension.

21 MR. ALUETA: Correct. So that section with
22 regards to conditional permits is moot.

23 CHAIRPERSON AMORIN: Joe, moving along.

24 MR. ALUETA: So the language that I have right
25 now is this changes it from units to rooms and -- or as

1 further limited or restricted?

2 COMMISSIONER HIRANAGA: I think limited by the
3 applicable community plan.

4 MR. ALUETA: Okay. Is there a consensus to that
5 language?

6 CHAIRPERSON AMORIN: Commissioner Guard.

7 COMMISSIONER GUARD: I think 20 rooms is fairly
8 large. And I guess it depends on the size of the room
9 that -- 200-square foot bedroom, each with their own
10 bathroom, that's going to be a significant building in a
11 business country town. I don't know if we want to limit
12 the actual size. So it coincides with the (inaudible)
13 Main Street's guidelines.

14 MR. ALUETA: The first district 19.16 is the B1,
15 which is your neighborhood business. The next one is B2,
16 and then you have the -- you also have B3. Your B1 and
17 BCT are more your small mom and pop type operations. So
18 if you wanted to set room limits within those, I will
19 recommend, you know, reducing them probably in those two
20 zoning categories.

21 With regards to the B3, you are talking about
22 your central urban business districts like -- I don't want
23 to say Kaahumanu because that's industrial, but talking
24 central Kahului, Wailuku, urban Kihei. Your B1 is
25 really -- and BCT is more your Paia and Haiku areas.

1 There might be some B2 out there. I don't have
2 a zoning map in front of me, but that's -- that's my
3 recollection, at least.

4 CHAIRPERSON AMORIN: Commissioner Hedani.

5 COMMISSIONER HEDANI: I think 20 rooms --
6 actually, when I think 20 rooms, I think -- I am thinking
7 like the Plantation Inn on Lahainaluna Road where Gerard
8 was operating, where it can be a very quaint structure,
9 fits in with the architecture of the area, you know, and
10 still have 20 rooms.

11 I am not thinking of Motel Six where we have 100
12 units. But I don't see a problem with 20 units if
13 somebody can go up to 20 units.

14 CHAIRPERSON AMORIN: Commissioner Guard.

15 COMMISSIONER GUARD: I don't, either. I don't
16 think -- sorry about that. I don't see a problem with it,
17 either. I guess I would like some assurance or mechanism
18 to keep that type of structure. When you read 20 units
19 being from Maui, you might see something different.
20 Someone buys the piece of land, they read 20 units, and
21 they are in South Lake Tahoe or somewhere else where they
22 have motels, and they hire their architect from that
23 neighborhood. I don't think you're going to get
24 Plantation Inn. Because they are not meeting with
25 (inaudible), they are meeting in Lake Tahoe and they might

1 be thinking maximize that building.

2 CHAIRPERSON AMORIN: Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: Well, most of the BR
4 areas are in SM areas. So we would look at their design
5 proposals. PCT, I believe, has design review boards. So
6 they would review the proposed plans and try to ensure
7 consistency and character. So I don't know if we need to
8 be that specific.

9 MR. ALUETA: But it would be your B2, B3
10 district where you potentially would have, as Commissioner
11 Guard says, where you have like a flat roof with a tar
12 pitch and gravel roof and, you know, your standard orange
13 doors for the motel. That is a potential -- one example
14 of that would be in Lahaina where they did try to do a
15 Motel Six, I think, or Comfort Inn, that failed and got
16 converted to a commercial right there off of the highway,
17 next to the Chevron and across from the First Hawaiian
18 Bank. There originally was a small motel. So --

19 CHAIRPERSON AMORIN: Commissioner Hedani.

20 STAFF: We need to keep an order.

21 COMMISSIONER GUARD: Sorry. Sorry.

22 CHAIRPERSON AMORIN: Commissioner Hedani, did
23 you have a question?

24 COMMISSIONER HEDANI: I am just -- I want to
25 throw something in there that says it has to go through a

1 design review or something if it's -- if it's going to be
2 20 units basically.

3 CHAIRPERSON AMORIN: Joe, can we have the final
4 language?

5 MR. ALUETA: Right now, it's -- it's 20 rooms or
6 further limited by the applicable community plans. There
7 hasn't been any other motion as far as limiting it or
8 creating it because, as pointed out by Commissioner
9 Hiranaga, in the BR district, the majority of those are in
10 the SMA. They are going to get some inn type of urban
11 design review. BCT, they do get a review, also, it's your
12 B1, B2, B3 there is no urban review.

13 Again, those are mostly in your -- whether you
14 want it or not, or if it's limited by the community plan,
15 they may have it, but if you want to throw something in
16 there that says they have to get urban design review --
17 subject to urban design review, that's up to you.

18 CHAIRPERSON AMORIN: Commissioners you want to
19 include that?

20 We have a consensus, then?

21 MR. ALUETA: So add urban design review to that
22 or not?

23 CHAIRPERSON AMORIN: Commissioner Guard, we're
24 adding -- Joe.

25 MR. ALUETA: Is this Number S?

1 MR. ALUETA: No. You are adding to the various
2 business districts, you currently have limited to 20 rooms
3 or as further limited by the applicable community plan and
4 then that all TVRs shall be subject to review of the Urban
5 Design Review Board.

6 STAFF: For B1, B2, B3.

7 MR. ALUETA: Okay. All right.

8 CHAIRPERSON AMORIN: Commissioner Guard.

9 COMMISSIONER GUARD: Do we have a drop dead
10 time? I mean, this is not the type of legislation that I
11 want to be rushing through with the impact this is going
12 to have on Maui. I know we want to avoid more testimony,
13 but I am not going to be party to rushing through this
14 just to avoid another meeting that has such major impacts.

15 CHAIRPERSON AMORIN: Commissioner Pawsat.

16 COMMISSIONER PAWSAT: I agree. And I got to
17 leave at 6:00, anyway.

18 COMMISSIONER: -- vacation rentals post
19 ordinance with the rest of the Commission is ready to vote
20 on this item, we can vote on this item and call it a day.

21 CHAIRPERSON AMORIN: Commissioner Pawsat.

22 COMMISSIONER PAWSAT: Is this something that we
23 vote on, even? But we don't reject it or anything or
24 accept it? I thought we were just recommending or saying
25 whether or not we recommend it to the council. Recommend

1 approval or not?

2 STAFF: Comments, those two comments.

3 COMMISSIONER PAWSAT: For me, you know, the most
4 rational -- because this is complicated, you know, and I
5 think Joe needs to have more paddles to deal with so he
6 can -- because he even realizes the inconsistencies. And
7 I think the inconsistencies are obvious and the same with
8 Commissioner Guard is I don't really -- it makes me feel
9 really uncomfortable taking part of it when there is all
10 these kind of blatant inconsistencies. But I think the
11 most rational thing I've heard so far is this -- the cap,
12 you know, but you can't do that unless you know how many
13 units we have.

14 You know, there can be a cap for the north shore
15 and then there could be a separate cap for the Makena
16 units, you know, for the resort areas.

17 Maybe that's a higher cap or something like
18 that. You guys are going to have to count how much
19 housing is on the island, anyway. So I think you should
20 just bite the bullet and start counting and put caps.

21 CHAIRPERSON AMORIN: Director.

22 PLANNING DIRECTOR: That could be part of your
23 comments --

24 COMMISSIONER PAWSAT: Yeah. That's my comment.

25 PLANNING DIRECTOR: -- that the County Council

1 explore a cap to any of these provisions.

2 CHAIRPERSON AMORIN: Commissioner Guard followed
3 by Commissioner Hiranaga.

4 COMMISSIONER GUARD: Another item that we're
5 trying to look at, just Section One, and I may be out of
6 line here, regarding the Kapalua Mauka issue, I thought,
7 on Kapalua Mauka being regarded as a destination area,
8 they did not approve of any timeshare, the vacation
9 rentals or short-term rentals were an option, but it was
10 mainly timeshare, which got nixed. Because that was one
11 proposal, they wanted to do a timeshare hotel up there.

12 STAFF: I'm sorry. But my recollection, Madame
13 Chair, and Commission, was that the timeshares were
14 limited to the hotel district regardless. That's how the
15 ordinance is written now. But transient vacation rentals,
16 they could -- people could still apply for TVRs through
17 the conditional permit process. However, my understanding
18 is that the council put in a specific language prohibiting
19 transient vacation accommodations when they did the zoning
20 change for that area. And that's, like I said, the only
21 reason that they -- we have not included it within the
22 map.

23 Obviously, it's in the destination resort area.
24 We think that would probably be the best location for
25 TVRs, but that we had some clear direction, and it would

1 be foolhardy of us to go to council with a bill that
2 allowed for it where they just made a determination not to
3 -- like less than a year ago. So --

4 CHAIRPERSON AMORIN: Commissioner Guard.

5 COMMISSIONER GUARD: I may be off, but maybe we
6 could send comment saying that it could be included if
7 that wasn't previously prohibited. Because I thought it
8 was based on timeshare. But I am not going to -- I am not
9 -- I wouldn't bet on my memory right now. So -- but if
10 that's possible to add as a comment, if you want to vote
11 on each one of these comments.

12 CHAIRPERSON AMORIN: Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: Isn't the TVR in
14 agricultural district against the Hawaii state statute?

15 MR. ALUETA: It is -- it's against -- it's not
16 allowed as a permitted -- yeah. It's allowed -- if you go
17 through a state special use permit process.

18 The amendment to 2054-5 permitted uses in
19 agricultural district, state legislature set up what we
20 call the ag tourism legislation, which they said that if
21 allowed counties to set up and define agritourism, okay,
22 and to allow agritourism in the state agricultural
23 district. However they prohibited -- the counties are
24 allowing overnight accommodations.

25 However, we interpret that change to 4.5 as not

1 changing 205-6 which is the state special use permit. And
2 in talking with State Land Use Commission, they also
3 concur that the State Land Use Special Use Permit is still
4 open to any type of use in the agricultural district,
5 provided it meets the criteria of unusual use. That's
6 where you had the conflict between OP comments, which they
7 took a stricter interpretation of the intent of what the
8 State legislature meant and whether the state legislature
9 goes back at the next session and closes the SUP permit
10 loophole. That's up to them. But, right now, they
11 didn't.

12 COMMISSIONER GUARD: I guess I would prefer to
13 address the Kapalua Mauka issue during the ag ordinance
14 review. Because it is --

15 MR. ALUETA: Yeah, state urban, but they have a
16 project district. And, remember, even if it's still --
17 like you see on Makena, and, also, Kapalua, if they do
18 still have agriculture lands, they are still subject to
19 the state agricultural, they still have to get a special
20 use permit. So just because we included, as pointed out,
21 the red line and it's in the agricultural district, just
22 because we say it's okay, it just means that -- it doesn't
23 mean that underlining state laws do not apply. It means
24 they would have to get those state -- state special use
25 permits to meet that or a change to the urban district.

1 And so if they do change that land to urban, then they
2 would be allowed as a permitted use.

3 CHAIRPERSON AMORIN: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: So why was Kapalua Mauka
5 not included in the resort district?

6 MR. ALUETA: Because the council made specific
7 limitations and restrictions to not allow TVRs within the
8 Kapalua Mauka.

9 CHAIRPERSON AMORIN: Thank you.

10 MR. ALUETA: Was there a consensus on including
11 comments to the council that Kapalua Mauka should be
12 included in the TVR or -- I just heard it from one
13 Commissioner.

14 COMMISSIONER GUARD: If it wasn't prohibited. I
15 am not trying to override what they determined. I thought
16 it was limiting timeshare up there.

17 MR. ALUETA: Okay. So moving on -- so like I
18 said, the only comments -- there was no real comments on
19 the TVR. 1938, you did comments and recommendations with
20 regards to the various business districts. So that was --
21 and I got consensus on those comments.

22 The next section is --

23 COMMISSIONER GUARD: I have a question.

24 CHAIRPERSON AMORIN: Commissioner Guard.

25 COMMISSIONER GUARD: Is this where we should

1 have any mechanisms for, say, someone who rents in the
2 Grand Champions, and is a middle management at the hotel,
3 and their unit gets sold and they get kicked out so that
4 the next person can turn it into a vacation rental, I
5 mean, that's kind of what we are trying to keep from
6 happening. So should there be any mechanisms to protect
7 people that live in the resort areas?

8 MR. ALUETA: Not according to our bill. Our
9 bill would make it -- it would become a mixed use as --
10 but, again, there is -- the CC&Rs, I guess you could say,
11 of the homeowners association has limiting factors that
12 privately limit that we are not willing to enforce.

13 However, there is -- like I said, you didn't --
14 I didn't hear any consensus on it, but there is comments
15 from finance, County Finance Department, that they do want
16 some type of registration process.

17 The Wailea Homeowner's Association feels there
18 should be some type of permit or registration process.
19 And prior to them being registered, they need to have
20 approval from their homeowner's association prior to
21 registering with the county. I didn't hear any comments
22 on that. You just left it unsaid. So --

23 CHAIRPERSON AMORIN: Commissioner Hedani.

24 COMMISSIONER HEDANI: In the case of Wailea, I
25 think for the CC&Rs are more prohibitive than what the

1 county codes are allowing. I think those CC&Rs would
2 stand. But, you know, irrespective of that, I don't think
3 the intent of the county would be to supersede private
4 CC&Rs that are put in place.

5 MR. ALUETA: Not at all. The only difference is
6 we would not enforce those private CC&Rs. If someone does
7 a TVR in this -- in one of the Wailea -- Grand Champions
8 or whatever those subdivisions are called, they -- the
9 Homeowner's Association can't call us. They can call us,
10 but we're going to tell them that's a private matter
11 because it's an allowed use.

12 COMMISSIONER HEDANI: But from the perspective,
13 the people that use the county's approval and designation
14 -- we have conspiracy theories here, floating around here,
15 saying that resort destinations are behind pushing for the
16 resort destinations having TVRs, when Wailea prohibits it
17 from occurring within their property because they don't
18 want it.

19 I don't think Kaanapali cares one way or another
20 whether or not there is TVRs in that area. Obviously,
21 Kapalua is overjoyed or wants it doubled from their
22 perspective. But from my perspective I don't think it
23 should be something we should force on a private entity.

24 MR. ALUETA: And as I said, the bill doesn't do
25 that. It just allows for the opportunity for transient

1 vacation rentals within those geographic limited areas, if
2 other covenants or state land use laws create additional
3 restrictions, they are still obliged to abide by those.

4 COMMISSIONER HEDANI: So maybe we can say
5 notwithstanding restrictions or whatever to the contrary.

6 MR. ALUETA: It's in there now.

7 COMMISSIONER HEDANI: Okay, yeah.

8 MR. ALUETA: If the discussion on Item C is
9 completed, I can -- if I want, I can move on to, which is
10 D --

11 COMMISSIONER: I would like to call for a motion
12 regarding C.

13 COMMISSIONER: Motion to approve as recommended.
14 So that we can move forward.

15 COMMISSIONER: Second.

16 COMMISSIONER: What is C again?

17 COMMISSIONER: The recommendations were
18 basically 20-room limits and applicable community plans
19 and B1 and 2 would go to the urban design review. Those
20 were the two basic comments.

21 COMMISSIONER: And BCT goes where?

22 COMMISSIONER: They have their own review.

23 CHAIRPERSON AMORIN: Director.

24 PLANNING DIRECTOR: Just to clarify,
25 recommendation to approve as revised.

1 CHAIRPERSON AMORIN: We have --

2 COMMISSIONER: Each has a review board.

3 STAFF: Design review board for new structures,
4 yes. For anything greater than 50 percent renovation.

5 COMMISSIONER: All BCTs?

6 MR. ALUETA: In the BCT district, right.

7 COMMISSIONER: In the urban design.

8 MR. ALUETA: Correct.

9 CHAIRPERSON AMORIN: All those in favor on this
10 amended as amended by Joe for the 20 units?

11 COMMISSIONER HEDANI: 20 rooms.

12 CHAIRPERSON AMORIN: 20 rooms.

13 COMMISSIONER STARR: Yeah. 20 rooms or as
14 further limited by the applicable community plans within
15 the B1, B2 and B3 district, it shall be subject to the
16 Urban Design Review Board.

17 CHAIRPERSON AMORIN: Commissioner Guard.

18 COMMISSIONER GUARD: Sorry. I don't want to
19 beat a dead horse of the regarding the 20 rooms, that
20 would then go to the maximum lot size on your B2 zoned
21 land, correct, which is under another title?

22 MR. ALUETA: The limitation on the 20 rooms
23 would -- several factors. One is going to be your
24 building and your infrastructure in the area. So, like I
25 said, Paia, whatever, may not have the infrastructure and

1 water source to support the 20-room inn and parking as
2 well as lot size. But as far as being any other
3 additional review, the only additional review,
4 discretionary review would be the Urban Design Review
5 Board in the B1, B2 district, unless it's further limited
6 by the community plan district, community plan language.

7 CHAIRPERSON AMORIN: Commissioner Guard.

8 COMMISSIONER GUARD: So the Urban Design Review
9 Board will be our only mechanism to prevent a big shoebox
10 type building with exterior hallways, where there is --

11 MR. ALUETA: As well as your community plans, if
12 the community plan --

13 COMMISSIONER GUARD: Not necessarily in the B2
14 or B3 zoning.

15 MR. ALUETA: For BR, BR would be SMA because the
16 majority of the business resorts are SMA. I can't think
17 of any --

18 COMMISSIONER GUARD: How about Pukalani Golf
19 Course area or Pukalani?

20 MR. ALUETA: That's all B2.

21 COMMISSIONER GUARD: B2. So they wouldn't have
22 to come before us or Urban Design Review Board?

23 MR. ALUETA: Just Urban Design Review Board.

24 COMMISSIONER GUARD: I would like some other
25 trigger than that because I've seen a couple buildings

1 that were supposed to be plantation style and they are
2 looking more like a box than anything. So not to take
3 away from any other agency, but that is just a concern of
4 mine for maybe comments to try to -- that could be added
5 that those buildings should keep the character of -- well,
6 I guess in the B2, you're going to be in an industrial
7 looking building, so -- my comments will be on tape.

8 MR. ALUETA: I don't think windsurfers care.

9 COMMISSIONER GUARD: I got to drive by it every
10 day.

11 CHAIRPERSON AMORIN: Any more discussion on this
12 item?

13 All those in favor?

14 (A chorus of ayes.)

15 CHAIRPERSON AMORIN: Any opposed?

16 Motion carries.

17 STAFF: Moving on to item D, this is the
18 agricultural district.

19 CHAIRPERSON AMORIN: Joe, it's 6:00. We're
20 going to lose another commissioner, two more
21 commissioners, so we lose quorum.

22 MR. ALUETA: Okay.

23 CHAIRPERSON AMORIN: Commissioner Hiranaga.

24 COMMISSIONER HIRANAGA: Regarding the general
25 planning review, I would like to suggest we have special

1 meetings on all available Tuesdays until we catch up or
2 exceed the schedule so that we don't impact regular
3 meetings, because I think we're four categories behind
4 now.

5 CHAIRPERSON AMORIN: You want to schedule a
6 meeting --

7 COMMISSIONER HIRANAGA: For next Tuesday, to go
8 over --

9 CHAIRPERSON AMORIN: Commissioners, do we have a
10 consensus on that, for the countywide project?

11 COMMISSIONER PAWSAT: That's fine with me. I am
12 out of town for two weeks, but you can meet without me.

13 CHAIRPERSON AMORIN: Have a great trip.

14 COMMISSIONER: I think as December approaches,
15 you're going to have more conflicts with schedules. We
16 need to plow through that before we get to December.

17 CHAIRPERSON AMORIN: For the rest of the
18 Commission that's present, is that going to be okay, or
19 next week Tuesday?

20 COMMISSIONER: Is there a possibility of asking
21 them for more time?

22 COMMISSIONER: Too early.

23 COMMISSIONER: I guess our problem is finding a
24 room. Because this room has been utilized next week
25 Tuesday. It is available on November 6, in the afternoon.

1 CHAIRPERSON AMORIN: Is that going to be okay,
2 November 6th?

3 COMMISSIONER: Is that a Tuesday?

4 COMMISSIONER: Yes. That's two weeks from
5 today.

6 COMMISSIONER: Isn't that our regular meeting
7 day?

8 COMMISSIONER: Because we have next week as no
9 meeting.

10 COMMISSIONER: It said three weeks before the
11 next Planning Commission.

12 CHAIRPERSON AMORIN: Do we have a consensus on
13 that, just to make sure we have quorum?

14 Commissioner Guard.

15 COMMISSIONER GUARD: So that's at 1:00 PM?

16 STAFF: Yes. It could be 12:30, 1:00 PM,
17 depending on what the Commission wants.

18 COMMISSIONER: Who is using the room?

19 STAFF: Yes. The Urban Design Review Board has
20 a meeting scheduled for that morning. But I don't
21 anticipate it going longer than noon.

22 COMMISSIONER: 12:30?

23 CHAIRPERSON AMORIN: Commissioners, 12:30?

24 COMMISSIONER: We are not going to start at 8:00
25 and plow --

1 STAFF: They don't have the room. The room is
2 not available.

3 COMMISSIONER: It doesn't have to be here,
4 right? I mean -- we don't have any room anywhere?

5 CHAIRPERSON AMORIN: Clayton, do we have any
6 room anywhere else?

7 STAFF: Well, we would have to look for another
8 meeting place, which probably would have to check with
9 some of the county agencies or state agencies, which
10 probably were due like tomorrow.

11 CHAIRPERSON AMORIN: Wayne, you can't make it if
12 it's in the afternoon on that date?

13 COMMISSIONER HEDANI: I am just concerned that
14 we are going to fall so far behind that we are going to
15 end up pulling a midnighiter, you know, as -- as to the
16 (inaudible), which I really don't want to do.

17 COMMISSIONER: So the 30th is not available?

18 STAFF: 30th is -- there was a training class
19 from 8:00 until 5:00.

20 CHAIRPERSON AMORIN: So the only available would
21 be on November --

22 STAFF: If it's a Tuesday, November 6th.

23 CHAIRPERSON AMORIN: November 6th at 12:30 PM.

24 STAFF: Yes.

25 COMMISSIONER: Can we bump Urban Design Review

1 somewhere else?

2 STAFF: We would have to look for another venue
3 for them for tomorrow. If we can't find another event few
4 for them --

5 CHAIRPERSON AMORIN: Commissioner Iaconetti is,
6 that going to be okay?

7 COMMISSIONER IACONETTI: Yeah. I'm sorry?

8 CHAIRPERSON AMORIN: Just trying to get
9 consensus for November 6th at 12:30 PM.

10 COMMISSIONER IACONETTI: If you were able to
11 bump some people was -- I missed that discussion.

12 CHAIRPERSON AMORIN: Irrelevant. Irrelevant.
13 Okay. So, right now, we have you, Commissioner Iaconetti
14 and maybe Wayne and myself.

15 Commissioner Guard.

16 COMMISSIONER GUARD: Well, I will plow through.

17 CHAIRPERSON AMORIN: Okay. We have quorum. We
18 will be here at 12:30, November 6th, Tuesday, for the
19 countywide follow-up.

20 STAFF: I guess with respect to the TVR bill, if
21 the Commission wants to recess and reconvene, they have to
22 do it within a five-day period. I believe this one is
23 available on the morning of Thursday, the 25th, from up
24 until 12:30.

25 CHAIRPERSON AMORIN: November 25th.

1 STAFF: Yeah, October 25th. October 25th.

2 COMMISSIONER GUARD: I am not available.

3 COMMISSIONER IACONETTI: We should just defer
4 the matter.

5 CHAIRPERSON AMORIN: I am not available.

6 COMMISSIONER IACONETTI: We should defer the
7 matter until next -- until you decide to bring it up
8 versus recess.

9 CHAIRPERSON AMORIN: We need to defer. Do we
10 have a motion on the floor?

11 COMMISSIONER IACONETTI: Motion to defer the
12 B&B, TVR review until Chair determines on the agenda.

13 COMMISSIONER: Second.

14 CHAIRPERSON AMORIN: Okay. We have a motion to
15 defer B&B and TVR. It's been a long day, guys.

16 Commissioner Guard.

17 COMMISSIONER GUARD: I tried to make that motion
18 earlier. And we were at some point concerned about trying
19 to get that through. So are we intending to do it to
20 expedite the process, or are they going to be in the back
21 of the line which might not be until the beginning of the
22 year from the other items that we deferred earlier today.
23 That was just noting that discussion earlier when I tried
24 to defer the matter.

25 CHAIRPERSON AMORIN: Yes. Thank you for the

1 question.

2 The intent was for productivity on the matter.
3 And just going at the pace that we have, it's 6:00, we are
4 losing quorum, and the availability of the commissioners,
5 the earliest that we find is we are not available. We do
6 have our private lives, our business lives. And I can
7 understand that there is understanding out there.

8 So, with that --

9 STAFF: Madame Chair, just one more request. I
10 guess we really need to try to approve some of these
11 minutes, because, again, other entities are kind of
12 waiting for the minutes.

13 CHAIRPERSON AMORIN: I have a meeting on the
14 floor to approve the minutes.

15 COMMISSIONER: Which we fought on the last one?

16 COMMISSIONER: Did we vote on the last motion to
17 defer? I don't believe we got a vote.

18 STAFF: We don't have a a quorum.

19 CHAIRPERSON AMORIN: We still have a quorum.

20 STAFF: Call for the vote. Motion to defer.

21 CHAIRPERSON AMORIN: Okay. Chair recommends a
22 motion to defer the minutes.

23 STAFF: No, no. The B&B, TVR, I don't think you
24 called for the vote.

25 CHAIRPERSON AMORIN: Okay. Okay. So all those

1 in favor.

2 (A chorus of ayes.)

3 CHAIRPERSON AMORIN: Any opposed? Chair votes
4 to defer.

5 Motion carried.

6 So on the minutes --

7 COMMISSIONER: I am not prepared to vote on the
8 minutes.

9 COMMISSIONER: I am not, either. Too many
10 mistakes in the minutes.

11 COMMISSIONER: Leave it up to Chair to determine
12 when she'll agenda that.

13 CHAIRPERSON AMORIN: Okay. The Chair will meet
14 with the Planning Department to chair that.

15 Clayton.

16 STAFF: Okay, that's fine.

17 CHAIRPERSON AMORIN: With that said --

18 PLANNING DIRECTOR: One last item.

19 CHAIRPERSON AMORIN: Director.

20 PLANNING DIRECTOR: We have to inform you that
21 Mr. Baskin has appealed the director's request for more
22 information on his remodel and beach nourishment project
23 from the shoreline. It must be reported to the
24 Commission. No discussion has to occur. We just have to
25 simply inform you of this.

1 COMMISSIONER: I would like to pass out the
2 documents to you. No discussion, just pass them out.

3 Thank you.

4 CHAIRPERSON AMORIN: Okay. Thank you.

5 With that said, meeting is now adjourned.

6 (Meeting Adjourned.)

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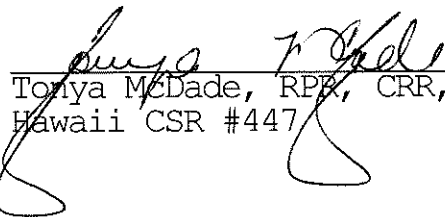
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I, TONYA MCDADE, a Court Reporter of the Circuit Court of the Second Circuit, State of Hawaii, do hereby certify that the foregoing pages 1 through 328, inclusive, comprise a full, true and correct transcript of the taped proceedings had in connection with the above-entitled cause.


Tonya McDade, RPR, CRR, CBC
Hawaii CSR #447