

1 Ladies and gentlemen, thank you very much  
2 for your time. We are going to take a 10-minute recess  
3 at this point.

4 (Recess 3:43 p.m. Resumed 3:51 p.m.  
5 Commissioner Guard is not present.)

6 VICE-CHAIRPERSON HEDANI: The Planning  
7 Commission is back in session. We are on item number  
8 D-1. Now, I understand that there are number of  
9 consultants that are here from Honolulu on agenda items  
10 that we may or may not get to today. So, we appreciate  
11 the fact that you have been sitting here all day and  
12 waiting for us while we deliberate on the issues.

13 And if there are no objections from the  
14 Commissioners, I'd like to offer you the opportunity to  
15 be released from having to wait today if you do not  
16 anticipate being able to be addressed on the agenda  
17 today, so you can catch your flights and return for  
18 another day on a subsequent meeting.

19 So, are there any objections from the  
20 Commissioners? Seeing none, thank you very much. We  
21 will be proceeding in the order of the agenda that we  
22 have presented for today. Deputy Director.

23 COMMISSIONER STARR: Mr. Chair.

24 MR. HART: Mr. Chair.

25 VICE-CHAIRPERSON HEDANI: Commissioner

1 Starr.

2 COMMISSIONER STARR: Yeah, before we  
3 proceeding, could we set a time to adjourn?

4 VICE-CHAIRPERSON HEDANI: 5:00 o'clock is  
5 the appointed time.

6 COMMISSIONER STARR: Thank you.

7 VICE-CHAIRPERSON HEDANI: Mr. Hart.

8 MR. HART: I just wanted to clarify that the  
9 HMC Maui LLC, which is item two under unfinished  
10 business, that we would be respectfully deferring from  
11 today's agenda.

12 VICE-CHAIRPERSON HEDANI: Thank you very  
13 much.

14 MR. HART: Thank you.

15 VICE-CHAIRPERSON HEDANI: Are there any  
16 other members that would like to request a deferral to a  
17 future meeting? Okay. If not, I will just proceed with  
18 item D-1. Deputy Director.

19 DEPUTY PLANNING DIRECTOR SUYAMA: This is  
20 our first public hearing of the day. It's Mr. Joseph F.  
21 Salvador and Narda E. Salvador, Trustees of the Salvador  
22 1992 Revokable Trust Agreement, requesting a Special  
23 Management Area permit for the Salvador Residence  
24 Renovation and Addition, at 43 Puamelia Place, 3C, in  
25 the Puamana Subdivision, Lahaina, Maui.

1           Livit Callentine is the planner on this  
2 application.

3           MS. CALLENTINE: Good afternoon,  
4 Commissioners. The reason that this project is coming  
5 before you today is because this project is located in a  
6 planned unit development, Puamana, and it does not  
7 qualify for an SMA exception, because it is not a  
8 single-family dwelling, and also the total cost of the  
9 project is over \$125,000. Therefore, it's considered a  
10 development. And it doesn't qualify for a minor permit,  
11 so, you are hearing it as an SMA major permit today.

12           The Department does review and has reviewed  
13 in the past quite a large number of projects that are  
14 very similar. However, up until now the value has been  
15 less than 125,000. So, they have been approved as SM2s  
16 if they were approved.

17           The subject application doesn't involve an  
18 action which triggers compliance with Chapter 343 of the  
19 Hawaii Revised Statutes relating to environmental impact  
20 statements. The project is located in, as I said, a  
21 planned unit development. It was established in the  
22 1960s and is a permitted use.

23           The applicant proposes to renovate a first  
24 floor and to add a second floor to an already fully  
25 developed parcel. The subject project will be

1 maintained at its current developed footprint. All  
2 first level construction shall occur inside the  
3 boundaries of the existing exterior walls.

4           The new second floor will require two posts  
5 to be placed within the existing first floor lanai  
6 areas. The project has been previously graded and  
7 developed to the full extent of the parcel boundary as  
8 an attached dwelling unit within Puamana.

9           The first floor includes demolition of the  
10 interior walls and reconfiguration of the interior. The  
11 second floor includes an addition -- a raising of the  
12 roof beam and addition of a master bedroom with a  
13 storage area, a walk-in closet, a wet bar area, and a  
14 laundry area.

15           The Department conducted an analysis of the  
16 project and has found that the project is in conformance  
17 with the goals, objectives, and policies of the Hawaii  
18 State Plan, the Maui County General Plan, the State  
19 Urban District, and the West Maui Community Plan. And  
20 the zoning for the project is interim with an overlay of  
21 Planned Development.

22           This was shown in Exhibit 4 of your original  
23 report. The permitted uses within the Interim District  
24 include single-family dwellings, duplex dwellings,  
25 hospitals, daycare facilities, museums, churches,

1 libraries, schools, public-owned buildings, and that  
2 continues on -- that list continues on, but I won't go  
3 over the whole list.

4           The proposed project is subject to planned  
5 development approvals that were granted for the overall  
6 development. The Planning Commission is the authority  
7 to approve planned development applications, however,  
8 this is not a planned development application amendment  
9 before you. This is simply an SMA application.

10           But in light of the fact that it is a  
11 planned development, you should know that this -- the  
12 proposed improvements do comply with the planned  
13 development standards, and these were listed in your  
14 initial report on page 14.

15           And with the planned development approvals  
16 that have been granted in the past, by the Planning  
17 Commission and the Department of Planning, the  
18 proposed -- so, over the year numerous requests have  
19 come before various different Commissions -- this  
20 Commission with various different members to amend the  
21 originally approved plans for the development. And I  
22 have a list of all of the improved -- approved  
23 improvements. I will not list them out for you unless  
24 you have questions.

25           The project, though, is located in Building

1 43, and it is a one-bedroom end unit and is subject to  
2 the following restrictions and allowed to make the  
3 following modifications as approved by the Commission or  
4 by the Department in one case.

5           That there shall be no encroachment outside  
6 the surveyed boundary of each individual lot. That  
7 front and back wall extensions are allowed limited to a  
8 beam that is located between the rear lanai and the  
9 makai side of the building. The lanai surface can be  
10 extended to the surveyed boundary and a lanai shade  
11 cover can be extended to the surveyed boundary.

12           A balcony deck over the lanai can be  
13 extended to the surveyed boundary with a maximum width  
14 of 20 feet. The dormer and the ridge beam may be raised  
15 18 inches and a second story constructed within the  
16 outlines of the architectural template drawings.

17           This project is adjacent to the shoreline.  
18 A new shoreline survey map was submitted on January 7th,  
19 so we received it yesterday. That was presented to you  
20 in what is entitled your Amended Report and  
21 Recommendation that was in front of you this morning.

22           That report includes -- excuse me -- several  
23 exhibits. One of them is a copy of the new shoreline  
24 survey map. The survey map indicates that the subject  
25 project is located between 51 and 56 feet from the

1 shoreline and, as indicated in the Department report  
2 dated January 8th, that initial report, the maximum  
3 setback for the parcel is 25 feet, because, as I will go  
4 in to, it is because of the compilation of the average  
5 lot depth and also the annual erosion hazard rate based  
6 calculations.

7           So, the project is outside of and inland  
8 from the shoreline setback area. The project does not  
9 propose any encroachment seaward. And there are  
10 photographs of the project and the shoreline shown in  
11 Exhibit 4 of the Amended Report and Recommendation.

12           So, just to reiterate, there is no expansion  
13 of the existing building footprint. So, the average lot  
14 depth met for the calculation -- the calculation of the  
15 average lot depth is 38 feet and 38 feet. And that is  
16 in accordance with the Shoreline Rules, Section 12.203.6  
17 which states that a lot with an average lot depth of  
18 100 feet or less shall have a shoreline setback line  
19 25 feet from the shoreline.

20           By the annual erosion hazard rate method of  
21 calculating the shoreline setback, this project is  
22 located on transects 49 and 50 between transects 49 and  
23 50, which, when we go to the data point set, which is  
24 included in your report, the annual erosion rate for  
25 this area is netting out at zero. And therefore, the

1 subject -- the shoreline setback line, by this method,  
2 is also calculated to be 25 feet.

3           The last thing I want to mention is that in  
4 your initial report, there was a description of a  
5 concern that the Fire Department had regarding  
6 turnaround room for access -- appropriate turnaround  
7 provision for fire apparatus and other emergency  
8 equipment.

9           And I conducted a site inspection, and  
10 further the applicant submitted a new site plan, and  
11 that is shown in Exhibit 3 of the amended report, and  
12 that shows that there is already in existing turnaround  
13 lane. And on January 4th, the Fire Department did  
14 submit verification by e-mail that there is adequate  
15 turnaround for emergency vehicles. I'm sorry, that  
16 is -- that e-mail is enclosed as Exhibit 3 of your  
17 amended report.

18           As of January 8th, the Department has  
19 received no testimony either in support, opposition, or  
20 concern. And that concludes the Department report.

21           VICE-CHAIRPERSON HEDANI: At this time, we  
22 would like to open it up for public testimony on this  
23 agenda item. Are there any members of the public that  
24 would like to offer testify? Seeing none, the public  
25 hearing is closed. Staff recommendation.



1 I'm sorry. Does the applicant have a  
2 presentation on this item?

3 MS. CALLENTINE: Yes, the applicant does.

4 MS. ISOTOV-CHANG: I thought you wanted just  
5 the general.

6 VICE-CHAIRPERSON HEDANI: Yes, go ahead.

7 MS. ISOTOV-CHANG: Hello. My name is Marie  
8 Isotov-Chang, and I'm a land use planner. Joe and Narda  
9 Salvador have asked me to represent them here today. I  
10 have some boards over here of what the plan is with some  
11 photos of the area. I have sent some photos around.

12 I have a short presentation, if you would  
13 like to see it. I will go through it fairly quickly.  
14 If you have any questions, just ask me, and I will stop.  
15 All right?

16 This is the project area. It's just before  
17 you enter Lahaina at Puamana.

18 VICE-CHAIRPERSON HEDANI: Okay. We are  
19 going to need a microphone to pick up your testimony.

20 MS. ISOTOV-CHANG: Is this good?

21 VICE-CHAIRPERSON HEDANI: Good.

22 MS. ISOTOV-CHANG: This is just an overall  
23 site map of the Puamana project. The subject parcel is  
24 located here along the drainage canal of the stream  
25 right here, and there is also -- this is where the fire

1 turnaround is and the Puamelia Place entry. Here is the  
2 subject parcel.

3           And here we are. The Kauaula Stream here  
4 runs all the way up across highway. It's channelized in  
5 this -- throughout the area here. Here is a site plan  
6 here. We have the distance to the shoreline. Again,  
7 here it's 56 feet and two inches and 51 on this side  
8 with the setback at 25 feet.

9           Here are the parcel boundaries. It's about  
10 38 feet on the north side and 28, 29 feet here on the  
11 shoreline side of the property. This is the entry to  
12 the parcel over here. And here we have the -- this is  
13 the actual parcel of the Salvador project. It's also  
14 the boundaries of the project. You have your -- the  
15 main dwelling, first floor, existing floor plan, with  
16 the lanai. And that's the full extent of the surveyed  
17 boundaries.

18           At this time, there's six inches of  
19 encroachment along the lanai side of the property. This  
20 was actually found to be an original surveying issue.  
21 It's a problem concurrent on all four lots. The  
22 applicant will be removing that encroachment through  
23 this project also.

24           And here is the foundation plan. After  
25 the -- in the demolition, all of the interior walls

1 shall be removed, all the fixtures, everything taken  
2 down to the concrete foundation. There's a CMU wall  
3 along the drainage side here of the property, and that  
4 shall remain. They are going to try to maintain as much  
5 of that CMU wall as they can. If it's not possible,  
6 then it will come down.

7           There will be a new window placed in this  
8 part of the CMU wall. The demolition should take four  
9 to five days, and the work area will be screened, and  
10 the heaviest equipment to be used would be a jackhammer,  
11 and that would be when they are cutting into the cement  
12 flooring in order to put in the plumbing, but that would  
13 be about the heaviest equipment.

14           Much of material for the project will be  
15 kept on the actual site boundaries, and some of it will  
16 also be in the parking stall for the parcel. But all of  
17 the materials and equipment will be kept within the  
18 boundaries of their allowed usage area. Nothing will be  
19 in the open space or on the grass or anything like that.

20           Here is a -- this is the proposed floor  
21 plan. Again, here is the six-inch patio that will be  
22 removed. There will be two new posts put in here to  
23 hold a support beam for the second floor, and for the  
24 second floor lanai. And here is the entry and a new  
25 stairway interior access will be put in also. And there

1 will be one bedroom on the bottom floor, the kitchen,  
2 living room, bathroom.

3           The proposed second floor will be one master  
4 bedroom with a laundry area and a master bath, walk-in  
5 closet, and then a deck area with an access through a  
6 screen door. The roof line of the proposed project will  
7 be at 18 feet 19 inches, and that's an 18-inch height  
8 push on that structure.

9           Here is -- this back area is the adjacent  
10 dwelling roof line. I'm seeing the finger rolling to  
11 speed this up, so I will do the best I can here. You  
12 have these plans in front of you, so I will move through  
13 them quickly. Here is the fire access turnaround. Here  
14 is the subject parcel. The fire truck apparatus  
15 turnaround is right here.

16           And this is a picture of the Kauaula Stream  
17 channel looking up the channel to the mountains. This  
18 is the subject residence. When it's done -- this is the  
19 residence as it is now. When it's done, it will look  
20 like this addition. This is an addition that originally  
21 was the same building style as the Salvador residence.  
22 Here is another view of the residence.

23           And the shoreline area is a rocky shoreline,  
24 the line of the setback. And again now looking south,  
25 the shoreline, and there we have our aerial view of the

1 area, with the -- from the air from the annual erosion  
2 hazard rate map. And here is the subject parcel.

3 And here is -- the shoreline survey was  
4 performed on January 4th, 2008. And the locations of  
5 beach access, there's two locations on the property, one  
6 from the Puamana Beach Park and one from a walk-in  
7 entrance into the Puamana Planned Unit Development. And  
8 then there's also one just prior up on Front Street to  
9 access the same shoreline area.

10 And here is what the proposed structure  
11 would look like, and this is the unit at the far end and  
12 its addition. This is -- this is a slide of a unit  
13 under construction. This will be a very similar project  
14 to what the applicant is proposing. And it's just a  
15 work in progress to give you a feel for how it occurs.  
16 And then here is the finished product of that previous  
17 construction project. Here is a front facing view of a  
18 similar project. Thank you.

19 VICE-CHAIRPERSON HEDANI: Any questions for  
20 the applicant at this point? Commissioner Starr.

21 COMMISSIONER STARR: Yeah, is there an  
22 association? If so, did they give comments?

23 MS. ISOTOV-CHANG: Yes.

24 COMMISSIONER STARR: And is it in accordance  
25 with the CC&Rs?

1 MS. ISOTOV-CHANG: Yes, they did. And there  
2 is an approval letter that was submitted with the  
3 original application.

4 VICE-CHAIRPERSON HEDANI: Commissioner  
5 Iaconetti.

6 COMMISSIONER IACONETTI: This is going to be  
7 considered a single-family residence?

8 MS. ISOTOV-CHANG: It's a single-family  
9 residence, yes. I think they consider it a multifamily  
10 unit because it's connected to three other units.

11 COMMISSIONER IACONETTI: Is it a residence  
12 that's allowable to have a transient vacation rental,  
13 say, on the first floor?

14 MS. ISOTOV-CHANG: The parcel is not  
15 currently used in that way, but I believe --

16 COMMISSIONER IACONETTI: It could be.

17 MS. ISOTOV-CHANG: It could be. I believe  
18 so, under the Puamana allowable uses.

19 COMMISSIONER IACONETTI: And that area is  
20 okay for that?

21 MS. ISOTOV-CHANG: Yes.

22 VICE-CHAIRPERSON HEDANI: Commissioner U'u.

23 COMMISSIONER U'U: Is it allowable, staff?

24 VICE-CHAIRPERSON HEDANI: Deputy Director.

25 DEPUTY PLANNING DIRECTOR SUYAMA: Puamana is

1 a unique case. Before I even came to the County, when  
2 they had the planned development there, it was a court  
3 case in which the courts had determined that they would  
4 be allowed to have short-term rentals, but it was based  
5 upon they not having some of the hotel facilities on  
6 site.

7 So, they are not supposed to have like what  
8 you have in a hotel, like room service, et cetera. It's  
9 basically individual owners were renting it out. But  
10 that is a unique situation and was done way before I  
11 even came to the County, you know, before the 1970s.

12 MS. ISOTOV-CHANG: Yeah, it was 1967.

13 DEPUTY PLANNING DIRECTOR SUYAMA: Yeah,  
14 there was a legal challenge to the zoning ordinance, and  
15 Puamana, at that time, had won that zoning challenge.  
16 So, that's the uniqueness of it. So, we don't usually  
17 challenge vacation rentals at Puamana for that reason.

18 VICE-CHAIRPERSON HEDANI: Any other  
19 questions. Commissioner Hiranaga?

20 COMMISSIONER HIRANAGA: A couple of  
21 questions. Just confirmation that the base of the  
22 structure is above eight feet base flood elevation. I  
23 didn't see a confirmation on that.

24 MS. ISOTOV-CHANG: Actually, I have a -- the  
25 2000 shoreline survey.

1 VICE-CHAIRPERSON HEDANI: Can you speak into  
2 the microphone, please?

3 MS. ISOTOV-CHANG: I am sorry. I feel like  
4 I talk so loud anyway. I have the shoreline survey from  
5 2000, and it does have elevations on it. And it places  
6 it here at 11 feet. If you would like, I can send this  
7 around.

8 COMMISSIONER HIRANAGA: No, I will take your  
9 word for it.

10 VICE-CHAIRPERSON HEDANI: Any further  
11 questions? Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: Where is the public  
13 beach access on the north side? Is that right by the --

14 MS. ISOTOV-CHANG: There's a walk-in gate --

15 COMMISSIONER HIRANAGA: Is that Front  
16 Street?

17 MS. ISOTOV-CHANG: -- to the actual parcel.  
18 And if you go around the corner, there is another  
19 walk-in, walk-on path.

20 COMMISSIONER HIRANAGA: I am sorry. Where  
21 is that, please?

22 MS. ISOTOV-CHANG: When you turn off  
23 Honoapiilani Highway, down on to Front Street, and you  
24 go around that turn, it's right there at that turn.  
25 There's a little --



1 COMMISSIONER HIRANAGA: Is that how you get  
2 to the surf spot in front of the pool?

3 MS. ISOTOV-CHANG: Oh, no. Are you talking  
4 about Shark Pit?

5 COMMISSIONER HIRANAGA: No, in front of the  
6 pool, the swimming pool.

7 MS. ISOTOV-CHANG: I am not a surfer over  
8 there, so I don't know about that surf spot.

9 COMMISSIONER HIRANAGA: Can you get to a  
10 surf spot from Shark Pit or from the beach access?  
11 Probably have to paddle.

12 COMMISSIONER U'U: Paddle around.

13 MS. ISOTOV-CHANG: Yeah, I would think so,  
14 because the --

15 COMMISSIONER HIRANAGA: It's broken shore.

16 MS. ISOTOV-CHANG: The pool is located next  
17 to the clubhouse, which is kind of situated almost in  
18 the middle of that development. So, definitely you  
19 could walk along the shoreline there. I have done that.

20 VICE-CHAIRPERSON HEDANI: Any other  
21 questions from the Commissioners? Commissioner  
22 Hiranaga.

23 COMMISSIONER HIRANAGA: One last question.  
24 It's more for staff. Why is the -- I know it's a PUD.  
25 Why is the shoreline setback calculation not based on

1 the entire parcel, which I guess includes the common  
2 element, and it's based upon the little thousand square  
3 foot parcel?

4 DEPUTY PLANNING DIRECTOR SUYAMA: I can't  
5 answer your question. However, my understanding is that  
6 Thorne Abbott had looked at this application and had  
7 confirmed with Livit that the setback -- it qualified  
8 for a 25-foot setback.

9 MS. ISOTOV-CHANG: It's also a zero erosion  
10 rate in front of that parcel. I mean, just to --

11 COMMISSIONER HIRANAGA: Do you know why it's  
12 not calculated over the entire common element of the  
13 parcel?

14 MS. ISOTOV-CHANG: I think it's probably  
15 like something that is particular to this property.

16 VICE-CHAIRPERSON HEDANI: Livit.

17 MS. CALLENTINE: My assessment of it and in  
18 consulting with Thorne Abbott was that because each of  
19 the individual units within the development do have  
20 their own individual TMK, so they are separate parcels,  
21 that is why we calculate the average lot depth in  
22 Puamana on the depth of the individual parcel rather  
23 than on the community as a whole.

24 It's a 30-acre parcel. And actually, if you  
25 were to calculate the average lot depth setback for the

1 entire parcel, I think everything makai of Front Street  
2 or what used to be Front Street is in the setback area.  
3 So, nothing would be approved, but because the --  
4 because the -- because each of the individual parcels  
5 has its own TMK and boundary pins, that's how we assess  
6 the average lot depth.

7 COMMISSIONER HIRANAGA: So, that's a  
8 Department determination.

9 MS. CALLENTINE: Yes.

10 COMMISSIONER HIRANAGA: Or interpretation.

11 MS. CALLENTINE: Yes.

12 VICE-CHAIRPERSON HEDANI: Any further  
13 questions? Thank you very much.

14 MS. ISOTOV-CHANG: Thank you.

15 VICE-CHAIRPERSON HEDANI: Staff  
16 recommendation.

17 MS. CALLENTINE: If you would turn to your  
18 Amended Report and Recommendation, on page three of the  
19 six, you will see a list of the standard conditions that  
20 we recommend, and there are 13 of them. And normally,  
21 you don't ask us to read them all. So, unless you tell  
22 me to, I won't.

23 And then there are two project specific  
24 conditions. And so the Department recommends that the  
25 Commission adopt the Planning Department's Addendum

1 (sic) Report and Recommendation, and, in addition to  
2 that, the previous report prepared for the January 8th  
3 meeting, as its Finding of Fact, Conclusion of Law,  
4 Decision and Order, and authorize the Director of  
5 Planning to transmit said written Decision and Order on  
6 behalf of the Planning Commission. So, I hope I stated  
7 that we recommend approval of the project.

8 VICE-CHAIRPERSON HEDANI: Thank you.  
9 Commissioner Iaconetti.

10 COMMISSIONER IACONETTI: So move.

11 COMMISSIONER U'U: Second.

12 COMMISSIONER STARR: Second.

13 VICE-CHAIRPERSON HEDANI: Moved by  
14 Commissioner Iaconetti, seconded by Commissioner U'u.  
15 Discussion.

16 All those in favor, signify by saying aye.

17 (Chorus of ayes.)

18 Opposed, nay.

19 (Silence.)

20 Carried. Thank you.

21 MS. ISOTOV-CHANG: Thank you.

22 VICE-CHAIRPERSON HEDANI: Deputy Director.

23 DEPUTY PLANNING DIRECTOR SUYAMA: The next  
24 item is communications. It's the Lahaina Cannery Mall,  
25 LLC, requesting review and comments on its traffic

1 management plan to address on-site traffic mitigation  
2 measures such as the use of on-site traffic monitors,  
3 signage, and geometric improvements at driveways,  
4 pursuant to Condition Number 20 of the Special  
5 Management Area Permit issued for the Lahaina Cannery  
6 Mall Expansion Project and related improvements in  
7 Lahaina, Maui.

8 Paul Fasi will be presenting the permit.

9 MR. FASI: Good afternoon, Commissioners.  
10 This SMA permit was approved on March 27, 2007, and the  
11 purpose this is being brought in front of you today is  
12 not as an action item but just a review and comment on  
13 their on-site internal traffic plans. It's not a  
14 traffic mitigation strategy. It's just their on-site  
15 traffic control for the parking lot.

16 The applicant does have a small presentation  
17 for you if you feel that's necessary and want to review  
18 there on-site parking management plan. They have a  
19 preliminary -- a compliance report submitted to the  
20 Department on July 27th, 2007, which was already  
21 accepted and approved.

22 VICE-CHAIRPERSON HEDANI: Paul, are you  
23 going to proceed with the presentation?

24 MR. FASI: If you want to see the  
25 presentation, I will leave it up to this Board. The

1 Planning Department is fine. We see no issues with  
2 their traffic management plan.

3 VICE-CHAIRPERSON HEDANI: Commissioners?

4 MR. FASI: I will leave it up to you.

5 VICE-CHAIRPERSON HEDANI: Commissioner  
6 Hiranaga.

7 COMMISSIONER HIRANAGA: Just for  
8 clarification, this is on-site traffic management plan  
9 basically to facilitate moving -- auto movement within  
10 the parking lot?

11 MR. FASI: That is correct.

12 VICE-CHAIRPERSON HEDANI: Any further  
13 discussion, questions? Commissioner Iaconetti.

14 COMMISSIONER IACONETTI: Is the signage  
15 directing the traffic to the proper exits up now?

16 MR. FASI: Yes, it is.

17 COMMISSIONER IACONETTI: I wonder why I  
18 couldn't see it?

19 MR. FASI: Pardon me?

20 COMMISSIONER IACONETTI: I say I wonder why  
21 I didn't see it?

22 MR. FASI: I believe it was already up and  
23 about.

24 COMMISSIONER IACONETTI: I think it's a  
25 great idea. But again, I don't remember seeing any of

1 the signs, and I have been there recently.

2 MR. FASI: Would you rather see the  
3 presentation?

4 COMMISSIONER STARR: Yeah.

5 VICE-CHAIRPERSON HEDANI: Why don't we go  
6 ahead with the presentation.

7 COMMISSIONER STARR: Can we play it at 78  
8 instead of 33?

9 MR. ROY: Excuse me, Commissioners. May I  
10 request just a couple of minutes just to set up the  
11 laptop?

12 VICE-CHAIRPERSON HEDANI: Okay. We will  
13 take a three-minute recess.

14 (Recess, 4:21 p.m. Resumed, 4:27 p.m.)

15 VICE-CHAIRPERSON HEDANI: The Planning  
16 Commission is back in session. Mark, if you could you  
17 could just state your name for the record.

18 MR. ROY: My name is Mark, M-A-R-K, last  
19 name Roy, R-O-Y.

20 Good afternoon Chair, Members of the Maui  
21 Planning Commission. My name is Mark Roy with the firm  
22 Munekiyo & Hiraga. We are here today representing the  
23 applicant, Lahaina Cannery Mall, LLC.

24 We are here primarily to present an on-site  
25 traffic management plan which Paul mentioned in his

1 opening remarks. This on-site traffic management plan,  
2 as Paul noted, deals with internal traffic circulation  
3 within the site's boundaries and has been prepared in  
4 compliance with an SMA condition.

5 You may remember us from back in March of  
6 2007, where this Commission approved the SMA use permit  
7 for the Lahaina Cannery Mall expansion project.

8 Before I continue, I'd like to just quickly  
9 give you an introduction to some members of the team  
10 behind me. We have Mr. Gus Gianulias from Lahaina  
11 Cannery Mall, LLC. And we also have two of the property  
12 managers from CBRE, from Warren Freeland and also Lynn  
13 Okomoto. And we also have Kirk Tanaka from R.T. Tanaka  
14 Engineers who are the civil engineers for the expansion  
15 project. And beside me you can also see Mike Munekiyo  
16 from my office.

17 So, if you would go to the next slide. This  
18 is just a brief presentation outline. Before I get to  
19 the details of the on-site traffic management plan, I  
20 would just like to give a brief, very brief overview of  
21 the existing Lahaina Cannery Shopping Mall property.  
22 Oh, thank you. And then just go into a brief summary of  
23 the expansion project for which we received our SMA use  
24 permit back in March of 2007.

25 Here we just have a regional location map.



1 The overall Lahaina Cannery Mall -- oh, my pointer is  
2 not working. Thank you. The overall Lahaina Cannery  
3 Mall property is situated on 16 acres of land. I am  
4 sure you all know its location toward the north of  
5 Lahaina near Mala Wharf.

6 Here we have just an aerial shot of the  
7 property. You see the existing mall is configured along  
8 the east side of the property with parking along the  
9 west and south side of the property. You can see here  
10 the roadways which actually outline the site.

11 We have Honoapiilani Highway along the west.  
12 To the north we have Kapunakea Street. And to the east,  
13 we have Front Street with the Kahoma Stream channel  
14 lining the southern boundary of the site. Next please.  
15 The Lahaina Cannery Mall is the only fully enclosed  
16 air-conditioned mall on Maui, I believe.

17 It was constructed back in 1987 and  
18 subsequently renovated in 1999. It provides  
19 approximately 130,000 square feet in floor space. And  
20 the anchor tenants, as I am sure you know, at the mall,  
21 are currently Safeway and Long's Drugs. They are open  
22 between 9:30 in the morning and 9:00 p.m. at night,  
23 seven day as week. And they have quite a few parking  
24 stalls on the property, currently 782.

25 Access is provided from all three of those

1 driveways which I noted just now. We have an access  
2 driveway on Front Street, one on Honoapiilani Highway,  
3 at the Keawe Street intersection, and one on Kapunakea  
4 Street.

5 This is just a shot -- nice shot looking  
6 towards the ocean, makai view of the existing property  
7 as it looks today. If we were to go up in a helicopter,  
8 this is how it looks today. Next please.

9 Moving on to the expansion project, again,  
10 we received our SMA use permit last year for this  
11 project back in March 2007. Just very briefly, the  
12 expansion project, as you may remember, includes  
13 construction of a mauka and makai building along the  
14 southern portion of the property as well as, of course,  
15 related parking and landscaping improvement.

16 As I just mentioned, we got our SMA use  
17 permit back in March of '07. The building permit was  
18 actually filed in January 2007 and is currently under  
19 review by the County. Next, please.

20 Just a very quick overall site plan of the  
21 expansion project as it was approved back in March 2007.  
22 You can see here the makai building and the mauka  
23 building and the ancillary landscaping and parking  
24 improvements. Next, please.

25 Just very briefly, again, an aerial shot

1 looking at the mall with the proposed expansion in  
2 place. Again, the mauka building here, near the  
3 Honoapiilani Highway driveway, and what's being referred  
4 to as the makai building towards the center of the  
5 southern portion of the site. Next, please.

6           As part of the SMA application process, a  
7 traffic impact analysis report was completed as is  
8 required for all major projects. The TIR, as you may  
9 remember, concluded there was no significant impact of  
10 the expansion project on the surrounding roadway  
11 infrastructure, and, as such, there were no driveway  
12 improvements proposed as part of the expansion project.

13           That being said, when we were in front of  
14 the Commission in March of 2007, there was some  
15 discussion regarding potential to increase, I think, the  
16 efficiency of the traffic circulation within the mall's  
17 property boundaries. And as such, this condition was  
18 attached to the approved SMA use permit.

19           I can just read it very briefly for the  
20 Commission. Condition number 20, as it's referred to of  
21 the SMA use permit, that the applicant shall prepare a  
22 traffic mitigation plan to address on-site traffic  
23 mitigation measures such as the use of on-site traffic  
24 monitors, signage, and geometric improvements at  
25 driveways. A copy of the traffic management plan shall

1 be provided to the Maui Planning Commission for review  
2 and comment prior to the issuance of the building permit  
3 for the project. Next, please.

4           So, the applicant has been working since  
5 March of last year to develop this on-site traffic  
6 management plan. And, essentially, that's why we are  
7 here today before the Commission.

8           In order to put together a plan, we  
9 obviously needed to collect data in order to have a  
10 justifiable analysis. So, this is the data collection  
11 framework that was put together for the traffic  
12 management plan formulation. As you can see here, the  
13 first bullet point, we have an on-site traffic  
14 assessment. This was completed by a professional  
15 traffic engineer, the same traffic engineer that was --  
16 that did the traffic impact analysis report for the  
17 expansion project, Wilson Okomoto Corporation.

18           They actually visited the site and took  
19 counts on two days back in 2007, May 10 and 11th. And  
20 they were at the site between 7:00 in the morning and  
21 9:30 in the evening. And as I mentioned, they conducted  
22 on-site vehicle and parking counts in order to get a  
23 real feeling as to what traffic circulation within the  
24 mall's boundaries looked like, essentially.

25           This included, of course, driveway

1 observations at the three driveways I noted before at  
2 the highway, Kapunakea Street, and also Front Street.  
3 If we could just go to the next three slides, the first  
4 one, this just to give the Commission a visual  
5 perspective of the driveways we are talking about at  
6 street left. This is looking mauka as you drive on to  
7 the Honoapiilani Highway out of the driveway from the  
8 property. Next.

9 VICE-CHAIRPERSON HEDANI: Could you speed up  
10 the presentation a little bit?

11 MR. ROY: Sure. Just very quickly, this is  
12 the Front Street Driveway, and this is the Kapunakea  
13 Street driveway looking back towards the mall.

14 As part of the data collection, we also did  
15 an assessment -- geometric assessment of Kapunakea  
16 Street driveway to respond to some comments that were  
17 made by the Commission when we got our SMA use permit.

18 So, we did the data collection, and  
19 basically crunched the numbers and analyzed the numbers.  
20 And this is essentially what the collection or the  
21 findings came out, and I will just run over them very  
22 quickly for the Commission.

23 Driveway usage, how does driveway usage  
24 look? The three driveways, Kapunakea Street driveway  
25 came in at 42 percent of overall usage, Honoapiilani

1 Highway driveway at about 37 percent, and Front Street  
2 at about 21 percent. Although Kapunakea Street was  
3 observed to have maybe the highest number of vehicles  
4 entering and exiting, any blockages that were observed  
5 on Kapunakea Street were observed to clear after each  
6 signal change of the traffic signals on the highway.  
7 So, it was not observed to be a problem.

8 Peak hour traffic at the mall was between  
9 4:30 and 5:30. Deliveries seemed to occur earlier in  
10 the morning, between 8:00 in the morning and 9:00 a.m.  
11 and on-site parking was clocked at an average of 325  
12 parked vehicles, which compared to the parking supply is  
13 about 50 percent of overall parking.

14 And also they observed a number of public  
15 transit options serving the site, the first being Maui  
16 Bus with 31 shuttles in and out, Maui Economic  
17 Opportunity, with, I think, six shuttles coming in and  
18 out, and then also the Westin private shuttles which  
19 service the mall daily.

20 So, just skipping on to the next slide, what  
21 I'd like to do very briefly, if it's okay with the  
22 Commission, is just invite our civil engineer. He's  
23 here today, and he can just give you an overview in  
24 regards to our assessment of Kapunakea Street if that  
25 would be okay.

1 VICE-CHAIRPERSON HEDANI: Sure. Proceed.

2 MR. ROY: Thank you.

3 MR. TANAKA: Good afternoon, Commission. My  
4 name is Kirk Tanaka of Tanaka Engineers. We are the  
5 civil engineers of the project. And I was asked to just  
6 come up and just briefly go over the analysis that we  
7 did at the Kapunakea Street driveway, because I think at  
8 the March meeting that was probably thought of as the  
9 worst driveway coming out of the site.

10 It's basically a 35-foot driveway, one lane  
11 in, two lanes out. And it forms a four-way intersection  
12 with Keawe Street which is across Kapunakea. And in  
13 terms of geometrics, that's probably the best  
14 intersection. You don't want the intersections to be  
15 offset, yeah, because that creates turning movement  
16 problems.

17 The widening of the Kapunakea Street  
18 driveway as was suggested in March was limited by  
19 several factors of which some are proximity of the  
20 driveway to the Honoapiilani Highway intersection, you  
21 know, its location. There are the traffic check meter  
22 boxes, and there are some units right at the driveway.  
23 So, translating it left and right is an option. It's an  
24 expensive option which we don't feel would accomplish  
25 much given the existing configuration, and it would also

1 displace parking stalls by code that are needed.

2           So, that's basically what, you know, we  
3 looked at. And then my letter dated August 17, 2007, is  
4 in your packet as to my analysis. If you have any  
5 questions, I would be happy to try to answer them.

6           VICE-CHAIRPERSON HEDANI: Thank you.

7           MR. TANAKA: Thank you.

8           MR. ROY: If we could just go on to the next  
9 slide, this is the final slide, and I will just briefly  
10 wrap up. Following our data collection and analysis of  
11 the findings, we formulated the traffic management plan,  
12 so to speak, to deal with on-site traffic management.

13           The first item that is proposed as part of  
14 the overall package implementation of an on-site  
15 directional signage program. The goal here is to  
16 facilitate patron awareness as to which driveways can be  
17 utilized depending on their respective destination.

18           So, I guess if you are going back to  
19 Wailuku, maybe the best driveway to take would be the  
20 one going up onto Honoapiilani Highway, so you can get  
21 straight on the highway and go back to Wailuku. The  
22 Lahaina Cannery Mall Property Management has actually  
23 designed signage.

24           And in response to Commissioner Iaconetti's  
25 question, we do have examples of the signage available



1 today, and they have been posted and strategic locations  
2 on the property. I guess one goal in mind is any  
3 tourists visiting the site to use the shopping  
4 facilities, which I think is a good proportion, may not  
5 possess the local knowledge as to which driveway to use  
6 to go to their respective destinations. So, the goal  
7 there is just to increase awareness to try and equalize  
8 traffic movements at the various driveways.

9           The second we have here is the traffic  
10 monitors at Kapunakea Street driveway during special  
11 busy events. Again, in respect to comments made during  
12 our SMA approval process, we thought it necessary to  
13 commit to having traffic monitors at this particular  
14 driveway during special events and busy periods.

15           So, if there are observed busy periods from  
16 the property management's perspective, a traffic monitor  
17 will be posted at that driveway to facilitate movement  
18 out of that driveway, so it's not impacting vehicle  
19 movements along the street but also to inform maybe  
20 visitors to Maui that there are other driveways that can  
21 be used during busy times.

22           The third item we have here is coordination  
23 of delivery schedule during off-peak periods. It seems  
24 that the vast majority or all of them, in fact, are  
25 occurring early in the morning, and the management is

1 committed to maintaining that so they are not occurring  
2 during the peak afternoon period.

3           The fourth item we have here is  
4 identification of additional public transit  
5 opportunities. The management at the mall feels that  
6 this is an important element of the plan. They have  
7 been and will continue to work with both public and  
8 private agencies to increase public transit linkages to  
9 or between the mall and other areas on Maui.

10           It's our understanding that not only the  
11 Maui County Bus shuttles are projected to increase over  
12 coming years, but also some of the resort areas on the  
13 West Side are proposing, I believe, significant  
14 increases in service of their shuttles. And we would  
15 obviously be very interested at facilitating additional  
16 linkages to the shopping mall to increase public transit  
17 opportunities on this particular property.

18           Just to tie up, finally, we acknowledge that  
19 the use of bicycles is increasingly popular over in  
20 Lahaina Town. And as such, we are also looking into the  
21 possibilities of adding additional bicycle parking or  
22 storage facilities, so that those users who own a  
23 bicycle who live in Lahaina Town can easily bicycle on  
24 over to the mall and use the facilities there, so,  
25 obviously reducing vehicle usage there.

1           So, if I may conclude briefly, this is the  
2 traffic management plan that has been put together by  
3 the Lahaina Cannery Mall to deal with on-site traffic  
4 management. Lahaina Cannery Mall is committed to  
5 ensuring the implementation of this plan as,  
6 essentially, they need to ensure the satisfaction of  
7 their customers. So, they view this plan as an integral  
8 component of the overall management of the site, and  
9 that's their commitment here to date, is that they have  
10 put this traffic management plan, in accordance with the  
11 condition of the SMA use permit, and we respect -- we  
12 are here today to respectfully request the Commission's  
13 comments on this particular plan.

14           If there are any questions, we would be more  
15 than happy to answer them. Thank you.

16           VICE-CHAIRPERSON HEDANI: Thank you very  
17 much. Are there comments? This is not an action item  
18 for the Commission, but they are requesting comments  
19 from the Commission. Are there any comments?  
20 Commissioner Iaconetti.

21           COMMISSIONER IACONETTI: The major comment I  
22 have is that exiting through the Kapunakea exit, there's  
23 a long queue that remains on the property before you can  
24 even turn off Kapunakea to get up to the highway. That  
25 doesn't empty out every time there's a change in the

1 signal. It's pretty difficult to get out that way.

2           The second comment I have is that when I'm  
3 in that queue and decide I don't want to wait that long,  
4 I decide to take a left turn at the Kapunakea driveway  
5 and go out Front Street from there, which becomes very  
6 dangerous, because there are cars in the queue going up  
7 to the highway, and there are cars coming off the  
8 highway that want to turn in there. And you kind of put  
9 your life out on a limb trying to make a left turn to  
10 get out of there.

11           I don't know what you can do to correct it,  
12 but it is -- it's a dangerous spot, if you understand  
13 what I'm talking about. What we can do about it, I'm  
14 not sure. My suggestion of increasing the size of the  
15 driveway, so that there was better visualization getting  
16 out of there, apparently, is not a good idea. Comment.

17           MR. ROY: Thank you.

18           VICE-CHAIRPERSON HEDANI: Any additional  
19 comments from the Commission? Seeing none, thank you  
20 very much.

21           MR. ROY: Thank you very much.

22           VICE-CHAIRPERSON HEDANI: Deputy Director.

23           DEPUTY PLANNING DIRECTOR SUYAMA: The next  
24 business is unfinished business, and it's the Council  
25 resolution transmitting the prohibition against super

1 stores. Mr. Alueta is not here. However, today's the  
2 last day that the Commission needs to act on this matter  
3 in order to meet the statutory requirements of  
4 transmitting your recommendation withing 120 days of  
5 receipt.

6 You have several options before the  
7 Commission. You can recommend support of the  
8 application -- of the proposal, which may include some  
9 amendment that you may want to propose. You may  
10 recommend nonsupport of the recommendation -- of the  
11 proposed super store bill, or you could basically say we  
12 have no recommendation and send a no recommendation back  
13 to the Council.

14 VICE-CHAIRPERSON HEDANI: Commissioners.  
15 Commissioner U'u.

16 COMMISSIONER U'U: I would like to recommend  
17 nonsupport on my behalf.

18 COMMISSIONER IACONETTI: I will second that.

19 VICE-CHAIRPERSON HEDANI: Okay. We have a  
20 motion for nonsupport, and seconded by Commissioner  
21 Iaconetti. However, before we act on this, we would  
22 like to open it up for public testimony, since there  
23 appear to be people that would like to offer testimony  
24 on this item.

25 Public hearing is open. Please step to the

1 microphone. State your name for the record.

2 MS. BALOG: Yes, good evening. My name is  
3 Monica Balog. Aloha. It's been a long day. I was  
4 here. I know.

5 I just got this flyer in the mail yesterday,  
6 and it's a flyer that asks the question "Can Maui afford  
7 more big box stores?" And I'm here to answer that  
8 question from my perspective.

9 I'm here to oppose big box stores on Maui.  
10 I am Monica Balog, and I'm a resident of Maui since  
11 2001. I am currently attending UH Manoa and planning to  
12 return to Maui when I graduate this year.

13 I am relatively new to Maui. I have only  
14 lived here seven years, but I am no stranger to  
15 paradise. Let me explain. I grew up in a place that  
16 was often described by locals as visitors alike as a  
17 paradise. The temperature was always warm and balmy,  
18 the perfume of flowers on the gentle breezes filled the  
19 air. Miles of golden sand and beaches, palm trees,  
20 tall, snow-capped mountains rising majestically up into  
21 the crystal clear, baby blue skies that seemed to  
22 stretch on forever.

23 If I told you I grew up in Los Angeles,  
24 California, you would probably not recognize the  
25 description I just gave. I am describing Los Angeles as

1 it once was. Most people equate Los Angeles with  
2 overcrowding, pollution, a curtain of dull,  
3 grayish-brown sky blocking out the blue, miles of  
4 freeways and commutes from work to home of hours each  
5 day.

6           But I can tell you that Los Angeles was once  
7 an amazing, beautiful paradise. Sometimes a place is so  
8 larger than life, so beautiful, so breath-taking, that  
9 you think that nothing can mar that beauty. Yet a mall  
10 here, a big store there, another development there,  
11 slowly, over time, begins to erode that beauty until  
12 suddenly there is no beauty to protect, merely a  
13 situation in which inhabitants struggle for water clean  
14 enough to drink and air clear enough to breathe.

15           I urge you all to support the ban on big box  
16 stores. Maui's situation is even more fragile than Los  
17 Angeles. Maui is an island, not a continent, with even  
18 more limited resources. Also, we depend on tourism. We  
19 need to care for and protect what millions of people  
20 come to Maui to enjoy, the land.

21           The Maui Planning Commission would be in  
22 good company as it seeks to pass ordinances seeking to  
23 limit or block big box stores. More than 20 cities and  
24 counties in Northern California alone have passed  
25 ordinances seeking to limit or block big box stores, and

1 200 cities nationwide have said no to big box stores.  
2 There are numerous studies to back up the detrimental  
3 effects of big box stores on local business.

4           Some favor the coming of big box stores  
5 because they think it will make the price of living in  
6 paradise affordable. This train of thought is an  
7 illusion. Numerous studies have shown the local  
8 economic damage the big box stores do in the long run.  
9 Studies like the one by Kenneth E. Stone, Professor of  
10 Economics of Iowa State University, repeatedly show an  
11 negative, quote, a negative effect on existing  
12 businesses in the host towns and surrounding smaller  
13 towns, unquote.

14           VICE-CHAIRPERSON HEDANI: Would you be able  
15 to finish up in 30 seconds?

16           MS. BALOG: Yes, okay. Just in conclusion,  
17 my other concern is about Maui's already overburdened  
18 infrastructure. We need water and energy. We need to  
19 ask the questions where would they get this in using  
20 their daily business.

21           And I think it's vital to factor in things  
22 like water needs and energy needs when planning our  
23 community. I think the Planning Department should  
24 demand that proposed structures demonstrate that they  
25 would be able to obtain the resources they would need



1 for daily business.

2 In conclusion, numerous studies have shown  
3 and communities have decided that the price of big box  
4 stores in their community comes at too high a price.  
5 More than 200 communities across the country have  
6 already said no to big box stores, and I encourage this  
7 Planning Commission to say no to big box stores. Thank  
8 you.

9 VICE-CHAIRPERSON HEDANI: Thank you. Any  
10 questions for the testifier? Seeing none, are there any  
11 other members of the public that would like to offer  
12 testimony at this time? Seeing none, public testimony  
13 is closed.

14 Commissioners, discussion. Commissioner  
15 Mardfin.

16 COMMISSIONER MARDFIN: I would like to speak  
17 in favor of the motion to reject the bill and recommend  
18 that it not be done. I listened to your testimony on  
19 the tapes the other day, and I heard a lot of criticisms  
20 of Wal-Mart and similar stores. There was a question  
21 about how much do they get from China versus how much  
22 from the U.S.

23 I share that concern. Banning big boxes in  
24 general won't solve that. It's the wrong club. There  
25 was concern about the wages that they pay and whether or

1 not they are allowed to unionize. I deplore their labor  
2 practices, but this bill is not the bill to do that.  
3 It's talking about all big boxes and not -- and it's  
4 trying to be used to punish a particular store.

5 We were told that the big boxes that already  
6 exist, the Home Depot, the Costco, the Wal-Mart are  
7 already here and grandfathered in. Of course, if they  
8 burn down, then they would be in trouble.

9 I do think they should be located particular  
10 places. We just dealt with a big box store 10 minutes  
11 ago. It happened to have lots of little stores in it,  
12 but the Lahaina Cannery Mall was 130,000 square feet.  
13 That's above the 90,000 square feet that this bill  
14 proposes.

15 I don't know very many people that come --  
16 that live in Hana that come back from this side of the  
17 island without making a stop at Costco and/or Home Depot  
18 before we go home. So, I think it's been good for us.

19 I do have to say, however, that the Hana  
20 Advisory Committee to the Planning Commission held some  
21 testimony on it, and I'm not speaking the way they  
22 spoke. They were basically in favor of it. They wanted  
23 to simplify the regulations to be restricted to  
24 90,000 square feet and not have to do with the number of  
25 items or the number of square foot in groceries.

1           And normally, I will agree with the Hana  
2 Advisory Committee, but on this issue, I don't agree.  
3 And I think that that is a bad bill trying to use a  
4 sledgehammer approach to a problem that doesn't exist.

5           I do think that the Planning Commission  
6 should clearly look at all applications for building big  
7 box stores, make sure that they are in the proper  
8 location, make sure they have good traffic situations,  
9 the water and sewage problems need to be dealt with, but  
10 I don't think a blanket ban just because of size makes  
11 much sense. So, I am speaking in support of the bill to  
12 recommend disapproval.

13           VICE-CHAIRPERSON HEDANI: Commissioner U'u.

14           COMMISSIONER U'U: I agree. I know we  
15 talked. I think most -- some people wouldn't be aware  
16 that it's a ban on anything above and beyond  
17 90,000 square feet. I know a lot of people living on  
18 Lanai that would catch the ferry here specially to drive  
19 to Costco and to go back.

20           And we could save some of the traffic if we  
21 had a Costco in Lahaina and that's back in Hana. Thank  
22 God, it's benefit -- no, no, not in Hana, but it's a  
23 benefit when they come out. It's close to them.

24           So, I wouldn't want to be the person who say  
25 no. I think the process is in place where when it comes

1 up, we can take it as a project-by-project situation.

2 Thank you.

3 VICE-CHAIRPERSON HEDANI: Commissioner  
4 Hiranaga.

5 COMMISSIONER HIRANAGA: My recollection,  
6 when this was brought to us before, was we had requested  
7 the staff planner that presented this to us to provide  
8 us more information, because we were unable to make a  
9 determination on what was presented. I'm not sure if my  
10 recollection is correct, but I thought that was the  
11 request.

12 VICE-CHAIRPERSON HEDANI: Deputy Director.

13 DEPUTY PLANNING DIRECTOR SUYAMA: I believe  
14 you had asked him at the last meeting to do some  
15 research. Unfortunately, the staff planner is not  
16 available to address whatever your issues were. And  
17 because today is the last day before the 120 days runs  
18 out, the Commission needs to make some kind of  
19 recommendation.

20 And just for clarity purposes, if the  
21 Commission votes to reject the proposed ordinance, there  
22 are only two things the Department had asked for. That  
23 if the Council proceeds to enact an ordinance, that they  
24 base it purely on square footage and not on the number  
25 of items that are being sold or the number of square

1 footage dedicated to groceries, because that would be  
2 almost impossible to enforce by our zoning enforcement.

3           So, if they want to set some kind of  
4 criteria, it should just be based upon square footage of  
5 the building.

6           VICE-CHAIRPERSON HEDANI: Any further  
7 discussion? Commissioner Starr.

8           COMMISSIONER STARR: I am voting against the  
9 motion. I like the bill as written, and I don't feel  
10 that the super stores, which would only be prohibited  
11 when they have a very large grocery section as well, are  
12 really the vision of the future that I like to perceive  
13 as what I'd like to see for Maui.

14           VICE-CHAIRPERSON HEDANI: Commissioner  
15 Iaconetti.

16           COMMISSIONER IACONETTI: I didn't quite --  
17 you said you were going to vote against the motion?

18           COMMISSIONER STARR: Yeah.

19           COMMISSIONER IACONETTI: And in favor of  
20 limiting box stores?

21           COMMISSIONER STARR: Yeah. I like the bill  
22 which would limit them, but there's no motion supporting  
23 that. So, I am going to vote against the one that would  
24 not do that.

25           VICE-CHAIRPERSON HEDANI: Commissioner

1 Hiranaga.

2 COMMISSIONER HIRANAGA: Because again I  
3 don't feel I have enough information to vote for or  
4 against this resolution, I will be voting against the  
5 motion, but I also would be voting against the motion to  
6 approve the resolution. I would make a motion for no  
7 action to be considered later.

8 VICE-CHAIRPERSON HEDANI: Any further  
9 discussion? Okay. Since there's no further discussion,  
10 all those in favor of the motion for a not support  
11 signify by saying aye.

12 (Chorus of ayes.)

13 Opposed, nay.

14 (Commissioners Starr and Hiranaga replied  
15 said nay.)

16 Motion is lost. Discussion.

17 COMMISSIONER MARDFIN: Mr. Chairman.

18 VICE-CHAIRPERSON HEDANI: Commissioner  
19 Mardfin.

20 COMMISSIONER MARDFIN: I'd like to move that  
21 we follow the recommendations from last week sending --  
22 saying that although we did not pass a motion either  
23 favoring or rejecting the proposal, that we do recommend  
24 that they limit the criteria just to store size and not  
25 the number of items being sold or the square footage

1 devoted to various types of goods.

2 VICE-CHAIRPERSON HEDANI: Is there a second?

3 COMMISSIONER IACONETTI: I will second.

4 VICE-CHAIRPERSON HEDANI: Seconded by  
5 Commissioner Iaconetti. Any discussion?

6 COMMISSIONER U'U: So, what are we saying?

7 VICE-CHAIRPERSON HEDANI: Commissioner U'u.

8 COMMISSIONER U'U: So, are we saying that we  
9 are basing this on the overall square footage of 90,000?

10 COMMISSIONER MARDFIN: My listening to the  
11 tapes was that the Planning Department wanted -- whether  
12 we approved it or disapproved it or took no action, that  
13 they wanted -- there are three criteria set in the  
14 proposed bill for defining a big box store. One was the  
15 total square footage. One was -- and also the square  
16 footage devoted to groceries. In other words, Home  
17 Depot wouldn't be affected, since they don't sell  
18 groceries.

19 And third -- but they would if you just  
20 limited to overall size. And the third thing was the  
21 number of items being sold. And while people in Hana  
22 thought that wouldn't be too hard to do, since they  
23 always have computer counts of inventory, the Planning  
24 Department would prefer not to have to go in and count  
25 the number of items in each store. So, they wanted it

1 simplified to a single metric, namely, size.

2 VICE-CHAIRPERSON HEDANI: Further  
3 discussion? Seeing no further discussion, all those in  
4 favor of the motion signify by saying aye.

5 (Chorus of ayes.)

6 Opposed, nay.

7 COMMISSIONER HIRANAGA: Nay.

8 VICE-CHAIRPERSON HEDANI: One nay, one, two,  
9 three, four. Chair votes aye. The motion carries.  
10 Deputy Director.

11 DEPUTY PLANNING DIRECTOR SUYAMA: The next  
12 item was deferred by request of the applicant. The next  
13 item is approval of the minutes, action minutes of  
14 November 13, 2007.

15 VICE-CHAIRPERSON HEDANI: In light of the  
16 hour, if there is no objections, the minutes will be  
17 accepted as circulated. Deputy Director.

18 DEPUTY PLANNING DIRECTOR SUYAMA: Under the  
19 Director's report, the first item is the appeal that was  
20 filed by Blaine Kobayashi on behalf of Michael Baskin.  
21 They are withdrawing their appeal, because we have  
22 resolved the issues with the applicant in which we had  
23 issued the owner -- the landowner an exemption for  
24 renovations of an existing house, which did not include  
25 any expansion of the residence. So, basically, repair



1 maintenance to the existing residence that's located in  
2 Paia.

3 VICE-CHAIRPERSON HEDANI: That's for  
4 informational purposes only.

5 DEPUTY PLANNING DIRECTOR SUYAMA: Yes.

6 VICE-CHAIRPERSON HEDANI: Okay. Department  
7 follow-up report.

8 DEPUTY PLANNING DIRECTOR SUYAMA: The  
9 reports have been submitted to the Commission. Unless  
10 there's any specific items that you have request  
11 clarification on, we have nothing further to report.

12 VICE-CHAIRPERSON HEDANI: Any other  
13 questions on any of the items two through six on the  
14 Director's report? Commissioner Iaconetti.

15 COMMISSIONER IACONETTI: I had listed a few  
16 of these items. Because of the time and knowing that  
17 some of the Commissioners are going to leave at  
18 5:00 o'clock, I strongly recommend that we have better  
19 control over the size of the agenda and the material  
20 that is put on it.

21 We have not been able to fulfill an agenda  
22 for the last two or three months, and we keep putting  
23 things off. People have to keep coming here from the  
24 mainland and from Honolulu to testify only to be told, I  
25 am sorry. We don't have time for your testimony.

1 I think this is unfair to those people, and  
2 it is certainly unfair to the Commission, because we  
3 never get over our agenda. And this has only happened  
4 in the last few months. Before, we used to get over the  
5 agenda. We would get out of here on time. And what  
6 happened, I don't know.

7 I can't believe that the items that we have  
8 been talking about are much more important than the ones  
9 that we talked about for the last four years that I have  
10 been here. I would like very much to have better  
11 control over the size of the agenda before it ever gets  
12 presented to us. And I think it's badly and strongly  
13 necessary that we do so.

14 VICE-CHAIRPERSON HEDANI: Okay. If the  
15 Deputy could take those comments back to the Director  
16 and to review the agendas for time limits in terms of  
17 planning.

18 DEPUTY PLANNING DIRECTOR SUYAMA: Okay. So  
19 noted.

20 VICE-CHAIRPERSON HEDANI: Any other comments  
21 for the good of the order? Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: I'd like to request  
23 the Chairman meet with the Planning Director to go over  
24 the agenda items in order to avoid this situation. Has  
25 the Chairman been doing this?

1 DEPUTY PLANNING DIRECTOR SUYAMA: No, the  
2 Chairman hasn't, the regular Chairman. My understanding  
3 is the Chairman has not been meeting with the Department  
4 to go over the agenda.

5 COMMISSIONER HIRANAGA: Can we ask her why  
6 at the next meeting?

7 VICE-CHAIRPERSON HEDANI: If you could just  
8 redirect a request to the Chair to follow-up on that  
9 item.

10 DEPUTY PLANNING DIRECTOR SUYAMA: Okay.

11 VICE-CHAIRPERSON HEDANI: Thank you. Any  
12 other comments? If not, then --

13 COMMISSIONER MARDFIN: Chair.

14 VICE-CHAIRPERSON HEDANI: Commissioner  
15 Mardfin.

16 COMMISSIONER MARDFIN: I would like to say  
17 thank you. You have made this day an interesting day  
18 for me. I look forward to four and a quarter more years  
19 of this. Aloha. Happy New Year.

20 VICE-CHAIRPERSON HEDANI: On behalf of the  
21 Commission, I would like to recognize Commissioner  
22 Mardfin's dedication. I understand that he went through  
23 a whole lot of stuff in order to just consider what we  
24 considered today, and I admire your conscientiousness  
25 and your participation. Thank you.

1 Commissioner Iaconetti.

2 COMMISSIONER IACONETTI: Could I suggest  
3 psychiatric evaluation?

4 VICE-CHAIRPERSON HEDANI: For all of us,  
5 please, and a frontal lobotomy. Thank you. This  
6 meeting is adjourned.

7 COMMISSIONER HIRANAGA: You skipped over the  
8 minutes.

9 VICE-CHAIRPERSON HEDANI: I asked for  
10 objections to the minutes. If not, they are accepted as  
11 circulated. Thank you. We are adjourned.

12 (Adjourned, 5:08 p.m.)

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**CERTIFICATION**

I, KATHERINE EISMANN, CSR 439 in and for the State of Hawaii, do hereby certify:

That the proceedings were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-assisted transcription; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated: 21 JANUARY 2008

  
Katherine Eismann, CSR 439