

**MAUI PLANNING COMMISSION
REGULAR MEETING
JUNE 10, 2008**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Jonathan Starr at approximately 8:32 a.m., Tuesday, June 10, 2008, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Jonathan Starr: Members of the public will be allowed the opportunity to testify on any item on our agenda, any item before us. There'll be opportunity to testify before the meeting or before each individual item. We ask that you only testify once. And that testimony be kept to as short as possible, three minutes maximum. And we also ask presentations be – try to be aware of the fact that we have a very full agenda and we wanna try to get through it today. So I see two sign-ups for testimony so far. And without further ado, we'll call up public testimony, assuming you want to testify before all of the items. You can, of course, wait 'til the item is called up, if you prefer. It looks like David Weiss. Please come forward.

The following persons testified at the beginning of the meeting:

- Mr. David Weiss - Item B-1, State Land Use District Boundary Amendment from the State Agriculture District to the State Urban District and a Change in Zoning from County Agriculture District to R-1 Residential District for the Kaiwahine Subdivision
- Mr. Douglas Sameshima - Item B-2, Mr. Josh Stone requesting a Special Management Area Use Permit
- Ms. Jocelyn Perreira - Item B-2, Mr. Josh Stone requesting a Special Management Area Use Permit

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

Mr. Starr: Any other members of the public wishing to testify on any agenda item, please make yourself known. Okay, seeing none, public testimony will be closed at this point, and again will be reopened for individual items. Before we proceed with any of the items on the agenda, I want to discuss a possible issue with one of the items because if it does need to be deferred for technical reasons, I want the applicant and the members of the public to know about it rather than having to wait around.

C. NEW BUSINESS

- 2. CHRIS HART & PARTNERS, INC., on behalf of DORIS TODD MEMORIAL CHRISTIAN DAY SCHOOL requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment to Public/Quasi-Public for the implementation of the schools long range plan for facility development at 519 Baldwin Avenue, TMK: 2-5-005: 020, 044 and 052, Paia, Island of Maui. (EA 2007/0001) (CPA 2006/0008) (DBA 2005/0004)) (CIZ 2005/0007). (R. Loudermilk) (Draft EAs distributed at the March 2008 meeting. Commissioners: Please bring your copies with you.)**

The EA trigger is the Community Plan Amendment. The Maui Planning Commission is the accepting authority for the EA.

The Planning Commission is being asked to:

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

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

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

Mr. Starr: I know that one of the items, the Doris Todd School, I was not able to find my copy of the EA document. I did search high and low on that. I've been known to lose'em. And staff was good enough to email me a copy, but I have a feeling that other members may not have gotten them, and may not have had the ability to review the EA before the meeting. And if that's the case, I wanted to leave the option for any members who might want to have a chance to get that EA and review it. So I leave it open to Members. I don't want to talk about the specifics of the item or the merits, just about the process in terms of having the EA. Commissioner Mardfin?

Mr. Ward Mardfin: I'd like to say that I looked all over my house and I couldn't find it. I'm not saying I didn't get it, but I don't – I'm not in possession of it now so I wasn't able to read it.

Mr. Starr: Commissioner U`u?

Mr. U`u: I believe I left my EA with Commissioner Mardfin, and I didn't have mine either.

Mr. Starr: If there's a desire to defer, a motion to that would be in order.

Mr. Mardfin: I'd move to defer.

Mr. U`u: Second.

Mr. Starr: Okay, motion by Commissioner Mardfin, seconded by Commissioner U`u to defer the item which is properly titled the Doris Todd Memorial Christian Day School in support of community plan amendment, etc. The motion is to defer until Members have had a chance to review the document relevant to this. Any discussion? All in favor, please raise your hand. Any opposed?

It was moved by Mr. Mardfin, seconded by Mr. U`u, then

VOTED: To defer the matter until Members have had a chance to review the draft environmental assessment due to a portion of the Members not having a copy of the environmental assessment which was circulated

at a prior meeting.

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

Mr. Starr: Okay. **The motion carries.** But before we go on, Commissioner Mardfin?

Mr. Mardfin: I'd like to ask that I get a copy. And I don't know how many other people need copies.

Mr. Starr: Okay.

Ms. Robyn Loudermilk: Chair, just let me know how many copies, and we'll get the copies. We'll get for the entire Commission.

Mr. Starr: Okay. I think Commissioner Domingo has. And then, Commissioner Hiranaga, do you have it?

Mr. Kent Hiranaga: (Inaudible)

Mr. Starr: Okay. So—

Ms. Loudermilk: Okay, we'll get the copies out.

Mr. Starr: Okay. Thank you. So anyone here for that item, we'll have to take that up another day. All right. We are ready to move onto the first agenda item today. And for that, I will turn to our trustee Director to introduce item B-1.

B. PUBLIC HEARING

- 1. ROYAL MAIN PROPERTIES, LLC requesting a State Land Use District Boundary Amendment from the State Agriculture District to the State Urban District and a Change in Zoning from County Agriculture District to R-1 Residential District for the Kaiwahine Subdivision, a 47-lot single family residential subdivision on approximately 9.28 acres of land at TMK: 3-8-004: 028, Kihei, Island of Maui. (DBA 2007/0002) (CIZ 2007/0002) (R. Loudermilk)**

Mr. Jeffrey Hunt read the agenda item into the record.

Mr. Starr: Okay, take it away, Planner Loudermilk.

Ms. Loudermilk: Good morning, Commissioners. I'd like to start off our presentation with Chris Hart and Partners. They're providing a power point presentation, and then I will add any additional information from the report after their presentation. And I'd like to call upon Chris Hart.

Mr. Starr: Yeah, before we begin, do you have any idea about how long their presentation will be? Can we just get an estimate?

Ms. Loudermilk: Approximately, 15 minutes.

Mr. Starr: Okay.

Ms. Loudermilk: Okay, thank you.

Mr. Chris Hart: Thank you, Mr. Chairman, Members of the Planning Commission. My name is Chris Hart of Chris Hart and Partners. And the planner on this project is Jordan Hart. I also with me today the applicant, Mr. John Sindoni. And our civil engineer is Stacey Otomo. He's present. And also, our traffic engineer, Mr. Phillip Rowell, is present.

This is, as Robyn said, a – the Kaiwahine Subdivision which is a lot only residential project in North Kihei. And we're asking for a State land use district boundary amendment and a change in zoning. And again, our – also, our archaeologist who is not present today was Scientific Consultant Services.

The project objective is to develop a residential subdivision consistent with the Kihei-Makena Community Plan. The project profile: access is going to be along Kaiwahine Street and Hale Kai Street. And the land area of the parcel is 9.289 acres. The number of lots: 47 lots. We're asking for R-1 residential district. And again, this is a lots only subdivision. The minimum lot size is 6,000 square feet. And there would be no opportunity for ohana units or accessory dwelling units, whatever your preference to call them.

The project chronology: in 1984, Halepiilani Phases 1 and 2 under subdivision and development– Anyway, Subdivision Kaiwahine Subdivision Project parcel was actually identified and initiated. In December 7th, 1984, Halepiilani Phases 1 and 2, the developer was allowed to postpone the subdivision of the park until road access could be provided through the development of Halepiilani Subdivision.

The important part of this chronology is that this is part of a – Halepiilani Subdivision and actually the 9.8 acre parcel was actually a part of that. And in the context of the development of the subdivision, it was determined that because of the elevation of the water supply, the tank, that pressure was not sufficient in this particular area to allow for development of the subdivision. And October 29, 1990, the Department of Water Supply indicates that water source is inadequate to support the development of the parcel. In 1992, Martin Luna withdrew the application for the land use district boundary amendment change and reclassification and an application for change in zoning for North Kihei Partners for their current Kaiwahine Subdivision parcels. So essentially, this parcel has remained vacant for all these years. And in the context of work that's been done by the applicant, there has been negotiations with the Department of Water Supply and also with the Parks Department that you're gonna see as part of this process – part of this presentation.

The State land use district for the parcel is agriculture, and we're proposing to change it to urban. The Kihei-Makena Community Plan is single-family and that's been single-family since the Kihei-Makena Community Plan in 1985. And it was again identified as single-family in the 1998

community plan. The County zone currently is agriculture, and we're proposing to change the zoning to R-1 residential district, which is a single-family designation consistent with the community plan.

This is our subject parcel. This is the Halepiilani Subdivision. This – and actually identifies the parcel which actually at the time of the development of the subdivision was considered part of it.

This is an aerial photograph of the area and has been indicated, the area has been developed as a single-family residential subdivision, and of course, this portion has remained undeveloped all these years.

This shows the community plan designation which identifies it as single-family. This shows the area of the park. This basically gives us the – the community plan basically as a color overlay–single-family residential. And then the proposed rural district which– Our subject parcel in the context of the State land use district boundary map, the green is agriculture, the dark brown is rural, and yellow is urban. And our County zoning map shows the area as single-family residential. State–rural and agriculture.

These are site photographs. We'll go through them pretty fast, but it does give you a sense of the character. This is looking from the park, which is poorly maintained as was indicated in terms of Halepiilani Park.

This is looking west from the middle of the property. It gives you the sense of the character. This is north on Hale Kai Street, south on Hale Kai Street, west on Kaiwahine Street, and east down Kaiwahine Street into the property.

Community meetings: on August 22nd 2006, we had our first meeting with the KCA Planning and Design Committee. And in December 12th 2006, we had a second meeting with KCA Planning and Decision Committee following initial project revisions. And on January 18th 2007, we had a meeting with neighboring property owners and the KCA general membership. This was a KCA general membership meeting, but we notified everybody within 500 feet of the property, in other words just like if we were gonna have a public meeting. Instead of the Kihei – which I really appreciate the Kihei Community Association doing this, but instead of having other things on the agenda, it was only primarily 95% of the people present were people from the neighborhood. So there were over – you know, everybody within 500 feet was aware, and they did come, and we did have a lively meeting. And we really attempted in the context of questions that were asked to answer those questions satisfactorily.

Project evolution: from the community – basically, as far as the community pre-consultation is concerned, there's the pedestrian-bicycle access pass from Kaiwahine Subdivision to Halepiilani Park. It has been designed into the project. There's lateral drainage – drainageways designed into the park access paths. Street landscaped planting areas designed into the roadway for traffic-calming effect. Approval of direct improvements to Halepiilani Park obtained from the Department of Parks and Recreation as part of the parks assessment participation. Halepiilani Park improvement master plan designed and approved by the Department of Parks and Recreation. In other words, it's our intention, and this is what we, you know, tried to convey, and I think that most

of the people in the neighborhood basically got the message as that, you know, even though this phase of the project, the Halepiilani Subdivision, is being developed later that we really wanted to try to be a positive contribution to the neighborhood.

And again this is our plan, which basically shows the development. And again we're talking about 6,000 square foot lots so there's essentially not gonna be opportunities for ohana units. And the idea is that this is basically a subdivision for local residents. It's – as one of the testifiers just said, it's really not an opportunity basically for attracting transient vacation rentals, etc.

This shows the drainageway that's being, you know, basically developed as a bikeway and pedestrian access to the park. These are the improvements to the park – the park as it would be improved: street tree planting, and calming – basically additional landscape planting, roadway construction for traffic-calming. Basically what we've done is created these opportunities basically to slow down the traffic and to provide more opportunities for pedestrian.

Essentially, lateral drainageways, essentially, sidewalk connections through easements – drainage basin easements.

This is a view of Halepiilani Park. Essentially it shows its current condition. And there's been a lot of vandalism. And truly, you know, it's been beyond the opportunity or the capability of the Parks Department to maintain it properly.

One aspect of the park is that because of the issues involving the water and no pressure, there hasn't been irrigation for the park. And so obviously, there's no water.

Pre-consultation with the Parks Department goes back to September 2006. We had basically an agreement. The park is in need of attention. The request for a preliminary master plan for Halepiilani Park: this is the master plan which was presented and prepared. And essentially there'll be open play and the opportunities of basically a paved area, some parking, and opportunities for play equipment. And basically, irrigation will be provided. This gives you some of the plant material that would be installed and automatic irrigation systems. Prior to that, rehabilitation of play structures and play surfaces.

Pre-consultation with Parks' Planning Division: that was in November 2006. Basically, had a positive reception. We're currently awaiting the Parks' Planning review of the scope of the proposed improvements and our tree planting selection.

Pre-consultation with the Department of Water Supply: discussion of the project and alternatives with the Department of Water Supply happened. There were initial discussions even earlier, but in February 28, 2007, there was an agreement on the strategy to propose water distribution infrastructure improvements.

This basically gives us an idea or basically it's a schematic of the water improvement which essentially would provide the additional pressure that's necessary to essentially accommodate this particular subdivision together with basically improvements to this subdivision, which was a County affordable housing project. And that actually – the pressure – and actually the pressure in this whole area would be positively affected by the improvements that are being proposed as part of the

subdivision. And if there's additional questions, Stacy Otomo is present in the audience to comment.

Pre-consultation with the Department of Water Supply again: April 30th 2007, we presented the proposed water distribution infrastructure improvements. Now obviously, you know, the final approval of these improvements is going to be part of the processing of the subdivision for the project. And obviously, at this point, we're asking for the change in zoning and the land use district boundary amendment. So we haven't submitted a subdivision application, but at least we do have an understanding with the Department of Water Supply.

And this is our Kaiwahine Subdivision again with the park: Halepiilani Park. And we thank you. And we're, again, open for questions. I'm sorry I had to go through that pretty fast.

Mr. Starr: Okay. Thank you, Mr. Hart. Robyn, you have . . . (inaudible) . . . ?

Ms. Loudermilk: Yes, I do. I'd like to touch on the areas that the power point presentation didn't touch on. First of all, I'd like to go back to the land use designations and basically indicate – starting with the State land use district, the agricultural district has not been amended since its initial adoption in the 1960s. Secondly, the Kihei-Makena Community Plan, the single-family designation was included in the 1985 community plan update. And the zoning for the property of agriculture has not changed since the adoption of the Land Zoning Map No. 5 in 1969 by the Maui County Council.

There are no violations issued on the property. In the past, the property has been used as pasture as well as for defense fortification during World War II. Regarding the defense fortification, under the archaeological historical and cultural resources, two sites were identified on the property: one being a marine site, a defense fortress from World War II; and the second one being a pre-contact habitation structure. In consultation with SHPD, a number of test sites were conducted. And in the end, the Historic Preservation Division commented that the existing survey and the documentation for the project area was adequate. They concur that the sites are significant for informational purposes only, and that no further archaeological work is required.

Regarding traffic, there was some discussion about traffic in the public testimony. As part of the traffic report, five intersections were analyzed that include Kaiwahine and Hale Kai Street. As part of the traffic report, counts were taken on certain days during the week and incorporated into the traffic report. The traffic report also included a number of different factors such as the access to and from the project site, the project itself, what is being comprised of as well as the type of intersection whether they were signalized or unsignalized. Based upon the traffic report, the proposed project will generate approximately, 50 vehicle trips during the afternoon peak hour with 32 vehicle trips coming inbound and 18 vehicle trips outbound. The trips generated during the morning peak hour will be 38, a total of 38, with ten being inbound and 28 being outbound. The level of service at the various intersections range from A to F with the level of F occurring at the intersections of Piilani Highway and Ohukai Street similar to what the testifier talked about this morning that that is an alternative route into and out of the adjacent subdivisions.

In discussions or comments by the State DOT, they noted that the report did not include the proposed A&B project. If we look up on the screen, to the north of the Kaiwahine Subdivision, A&B

Property has come in for a land use district boundary amendment before the State Land Use Commission for about a 600 single-family and multi-family project. And basically, when the traffic report was done and completed, A&B had not completed their traffic study at that time. But other projects that were incorporated into this traffic report would be to the right of the project would be the Ka Ono Ulu Industrial Ranch Subdivision. So the DOT noted that the proposed project will contribute to some cumulative impacts to Piilani Highway. And the applicant will be required to participate in traffic mitigation measures. Public Works had a number of comments incorporated to the traffic report. As far as proposed improvements or roadway dedications, Public Works would defer that as – until the subdivision process at this point in time.

Agriculture: as indicated, the land was previously used for pasturing. A phase one environmental report was not conducted prior to the submission of this application. And the staff made the determination that one was not necessarily required because of the nature of the activity. If it was currently coming out of pineapple or sugar, we would request that a phase one report come in to give us an idea of what types of hazards might be in the soil. But in this case, the Department would request through a condition that this be done prior to any ground-altering activity. And basically what the environmental assessment – not to be confused with environmental documents that we provide to the Commission is that it's a very specific type of technical report that is done to identify any recognized environmental conditions on a property that indicates an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products.

Regarding some environmental impacts, the Department of Health noted that the proposed project may impact their air quality monitoring station that they have located at the park, and that the applicant will be working with the Department of Health to insure minimal impact to that facility.

The State DOT also commented that a – that the project may be near the flight track for general aviation using Kahului Airport, and that the applicant should contact the Airports Division regarding this. So the applicant did and it was determined that the project is not within the flight path going into the Kahului Airport. Thus, there will be no need for any disclosure of noise impacts based upon the airport as well as any proposed mitigation measures.

Drainage will be handled onsite with the development of an onsite drainage system consisting of cut inlet catch basins, manhole drain lines, and perforated drain lines. Basically runoff captured by the catch basins will be conveyed to an underground perforated drainage system and/or an onsite detention basin. And this system will be sized to accommodate the increase in runoff generated by the 50-year, one-hour storm.

Schools: the Department of Education commented that since the project consists of less than 50 units with no ohanas that they will not request a fair share contribution.

And lastly, the Department of Housing and Human Concerns commented that the proposed project is subject to the Residential Workforce Housing Policy that was recently passed by the County Council. As of May 16, 2007, the Planning Department has received no letters in support, opposition, or expressing concerns. Since that time, the Department has received one letter of opposition from a resident living within the subdivision, the adjacent subdivision, and I believe that is – was provided to you. And that concludes the report.

Mr. Starr: Okay. Thank you, Robyn. Members, questions for staff or for the applicant?
Commissioner Mardfin?

Mr. Mardfin: I have a number but I'll do it in batches. Currently they're being – real property taxes are based on agriculture zoning?

Ms. Loudermilk: I do not know.

Mr. Starr: Mr. Hart?

Mr. Hart: We're assuming that that's correct. And the – there basically would probably be an adjustment for the fact that the community plan identifies it for future urbanization, but yes.

Mr. Mardfin: So for the last couple decades, you've been – they've been paying at an agricultural real property tax rate, presumably?

Mr. Hart: Yes, presumably.

Mr. Mardfin: I'm a little confused. Was it originally zoned single-family rather than agricultural?

Mr. Hart: No. It was proposed, though, in the context of that Halepiilani Subdivision as part of that process. And because of the issue of water, it was never zoned. And there was an application later on in the late '80s to basically go through this process, but because of the water, it was essentially withdrawn. One other–

Mr. Mardfin: So it isn't that they were – would've been taxed the – were taxed the higher rate, and then they moved it to agriculture to avoid that, and now they're moving it back? That's . . . (inaudible) . . . situation?

Mr. Hart: I think it was– No, no, that wasn't the case. I think that it wasn't – the land use district boundary amendment and the change in zoning, weren't issued because of the problems of water at that time. And so it's basically been essentially, you know, in limbo, you know, as far as the project to be developed unless the developer would take the initiative to basically provide the improvements.

I would like to say one other thing–just basically speak to an issue that Robyn brought up, and that was the phase one environmental study. In the context of purchasing the property, it was – there was a phase one environmental that was conducted. And, you know, we have that information. I'm sorry it wasn't something that we felt that was significant. And it is available. And it didn't – basically, there are no environmental issues with regard to this particular property as far as any kind of herbicide or anything like that. So it's basically clean.

Mr. Mardfin: Again, I wanna make – again, I wanna make sure my understanding is correct. The Halepiilani Park, you're not leaving that to the County to develop?

Mr. Hart: No.

Mr. Mardfin: You folks will develop that?

Mr. Hart: They will develop it. And the County, again, and for whatever reason, I'm not gonna criticize, but obviously, you know, there have been – there has been a lot of vandalism in that park, and it's really a misused public space, you know, from the point of the view of the testimony that we received from the public meeting. But, you know, we are gonna be fencing it. We're gonna be providing landscape planting, an automatic irrigation system, redeveloping the play equipment. So it's all gonna be done, you know, in a way that definitely will enhance the opportunity for recreation.

Mr. Mardfin: And this is open to everybody in the whole region, not just–?

Mr. Hart: Everybody in the region, yes.

Mr. Mardfin: And who'll pay for the maintenance of the park?

Mr. Hart: Well, it becomes – it is a public park. In other words, now that the irrigation will be in and everything–

Ms. Loudermilk: I'd just like to add on to that. That's a proposal that Parks Department is open to accepting. What has occurred since the application has come in is the A&B project that I mentioned earlier. And they are in discussions with the Parks Department also at this time to fulfill their park dedication requirements. So one of the parks they are also looking at is Halepiilani. So what the applicant is proposing today is something that they wanna do to meet their parks' requirement. They've done a very good job to try to improve the Parks Department – . . . (inaudible) . . . the Parks Department and the park over there. The bottom line, though, is that it's gonna be up to the Department of Parks and Recreation whether they are going to accept this proposal or not.

Mr. Mardfin: In the event they don't, does that just relieve the developers of that expense?

Ms. Loudermilk: No, they still have to provide the assessment fee for the Kihei-Makena Community Plan region.

Mr. Mardfin: Thank you.

Mr. Starr: Commissioner U`u?

Mr. U`u: Quick question, Robyn. I know you guys said earlier that there wasn't an irrigation line. At one point, was there – the irrigation available or wasn't intact?

Ms. Loudermilk: I think I'd like to defer to Chris on that. For the park? Are we talking about the park?

Mr. U`u: Yes.

Ms. Loudermilk: Yeah, I'd like to defer to–

Mr. Starr: Chris? Chris? Earth to Mr. Hart.

Mr. Hart: Yes, as far as the irrigation, there is irrigation there, but the pressure is really low. And so it doesn't – they don't get coverage.

Mr. U'u: Is it due to poor planning?

Mr. Hart: Basically this area is basically – the elevation in relationship to the height of the tank is basically too high. So the pressure is really low. And so therefore, when the park was basically created, there was irrigation, and there still is irrigation, but there's very little watering of the park. In fact, I would have to say that it's pretty minimal.

Mr. Starr: Please come up to the mic, and tell us who you are before you speak.

Mr. John Sindoni: My name is John Sindoni, and there is water at the park. There is a water facility there that they use, but the pressure is not great, but the park does get water. It's just that the pressure's not there.

Mr. U'u: Can I have comment from Public Works?

Mr. Starr: Come on, chance'em, Mike.

Mr. Michael Miyamoto: I guess, Chris, I guess the one that caused our concern is that you had made a statement that sort of seems contradictory. You said the water tank was high and the pressure was low. And I think that's why he's calling on me to just ask that question. You made that – you just made that statement. That's why it's rather confusing – that statement that you just made. You said the water tank was high, but the pressure was low.

Mr. Hart: No, it's the other way around. The water tank was too low and the subdivision was too high. The subdivision was too high up, and basically there wasn't enough pressure from the tank. And so now essentially the improvement, you know, allows for that extra elevation so that there is sufficient pressure or there will be.

Mr. Starr: Commissioner Guard?

Mr. Guard: You guys have the water available for these 47 lots right now?

Mr. Hart: I'd like to ask Stacy to come up. Obviously now, I want you to understand that in all of this, you know, we talked with the Parks Department about, you know, basically taking a proactive position. We've talked to the Department of Water Supply about taking a proactive position to come up with a solution. And obviously, all of this is gonna come to a conclusion during the subdivision process, okay, as far as the details are concerned.

Mr. Starr: Stacy, come up. Introduce yourself.

Mr. Stacy Otomo: Good morning, Mr. Chair, Members of the Commission. To answer the question –

Mr. Starr: Introduce yourself for the record.

Mr. Otomo: Oh, Stacy Otomo. I'm sorry. During our conversations with the Water Supply, we focused mainly on the inadequate facilities there mainly to relieve the low pressure that Chris has mentioned. So what we had proposed was to put a booster pump where the existing tank is right in this area, and create another line going up to a higher tank which would provide adequate pressure down in this particular area, as well as help out this subdivision right in this particular area. This is like in prior to the Water Bill passing.

Mr. Guard: Is your – is the tank – could you point on your rendering – the rendering over there, is it on that subdivision map anywhere? Is it above or below?

Mr. Otomo: Just for reference, this particular point right here is right here on the subdivision. So the tank facilities are substantially higher on the adjacent property.

Mr. Guard: Okay, on current – on the above, up mauka?

Mr. Otomo: That's correct.

Mr. Guard: Okay.

Mr. Starr: Commissioner U`u?

Mr. U`u: Yeah, you mentioned the Water Bill passing. You guys subject to the Water Bill?

Mr. Otomo: Yes, we are. That's why Chris mentioned that as we go through the subdivision process, we're gonna have to address that particular issue.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: Who owns the land on which your higher tank will be built? And do you have sort of a guaranteed access to that?

Mr. Otomo: I believe it's Haleakala Ranch. John? And John Sindoni has had conversations with Haleakala Ranch.

Mr. Mardfin: So they'd grant you an easement to use that presumably in perpetuity?

Mr. Otomo: That's the conversation that he had with them, yes.

Mr. Mardfin: And is the capacity for the tank gonna be sufficient to take care of the A&B Property? Or are they gonna have to work out their own little deal?

Mr. Otomo: We tried working with potentially, the adjacent property owners. And the tank size that we're proposing is a 150,000-gallon which will be for fire protection for this particular parcel only. Now, in the future if additional property – adjacent property owners wanna participate, there is that opportunity to enlarge the tank or possibly get it to a higher elevation.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Stacy, is it the intention of the applicant to develop the 150,000-gallon tank himself?

Mr. Otomo: That's correct, yes.

Mr. Starr: The Chair has a question on that. Do you – is this gonna be a private system or is the intent to work with the Department and turn it over to the County system?

Mr. Otomo: It is the intent to dedicate it to the County of Maui, the Department of Water Supply.

Mr. Starr: Has there been discussion and any comment from the County Water Department on that, Robyn?

Ms. Loudermilk: Yeah, I'd like to respond to that as it's part of the report in that Water Supply commented that, you know, the water may not be available until new sources come on line. And they identified some new development projects. And at a minimum, DWS is requiring them to provide storage, service, and fire protection to County system standards. And then they're also encouraging the applicant to include a number of water conservation measures into the project. Coordination and discussions are still ongoing between the Department of Water Supply and the applicant in terms of what the Department of Water Supply will require of the applicant other than the requirement as part of the Show Me the Water Bill once they go into – should they go into subdivision. So what has been explained to you as part of the current discussions that are currently ongoing between the applicant and the Department of Water Supply. But the bottom line is the Department of Water Supply has not specified particular measures at this point in time. As such, we'd like to give the Water Department some flexibility in terms of what they eventually ask of the applicant in terms of the potable water system.

Mr. Starr: I know – I had heard – I think I had heard that they were saying that water would come from potentially Haleakala Ranch.

Ms. Loudermilk: That is a potential source; however, again, to meet Department of Water Supply requirements.

Mr. Starr: Right, 'cause there's no treatment on it. Okay. I don't wanna take– Members? Commissioner Mardfin?

Mr. Hart: Could I just clarify? You know, Commissioner Starr, there has been, as was indicated, ongoing discussions over a long period of time, you know, with various individuals that were interested in doing projects in the area. One was the – Mr. Jencks, and there's been others involved with Haleakala Ranch in terms of building a much larger tank. But it came down to a point where everything was so indefinite that we decided that we had to make a proposal to the Department of Water Supply that would meet the needs of this project in order to move forward. And so that's what we did. There are going to be other projects being developed in the area. And as Stacy indicated, there may be much larger tanks actually constructed at higher elevations with regard to the A&B project as well. So, you know, it's not to say that this will absolutely be the solution, but it is a solution that's basically at this time acceptable to the Department of Water

Supply to address the needs of this subdivision.

Mr. Starr: Just for clarification, what you're saying then is that this is being brought before us with water coming from Haleakala Ranch that's untreated?

Mr. Loudermilk: Basically a new source needs to be developed. A potential source could be from the Haleakala Ranch.

Mr. Otomo: Stacy Otomo again. Just to clarify the water situation, Commissioner Starr, it is gonna be County water. The facilities are located on Haleakala Ranch property, for clarification. This is an existing County tank right here. What we're proposing is a booster pump and a new tank further up on a higher elevation, which actually connects to—

Mr. Starr: And not a connection to a Haleakala Ranch ag tank?

Mr. Otomo: No, no, it's on Haleakala Ranch's property.

Mr. Starr: Okay. Commissioner Mardfin?

Mr. Mardfin: So my understanding is this is a solution to increase pressure. It has nothing to do with the amount of water you'll be able to receive at this stage?

Mr. Otomo: That's correct. It was to address the pressure as well as storage.

Mr. Mardfin: Okay, pressure and storage, but not a source of supply. And presumably, any new source of supply would meet County standards for cleanliness and whatever else they have to worry about?

Mr. Otomo: That's correct.

Mr. Mardfin: And no housing would be – the project is to – the proposal is to talk about a lot only subdivision. Presumably, no houses would go in until the water problem is solved?

Mr. Otomo: That's correct.

Mr. Mardfin: Thank you.

Mr. Starr: Commissioner Hiranaga, it's all yours.

Mr. Hiranaga: I just wanted to clarify the statement by Commissioner Mardfin. It's not no houses would go in until a new water source is identified. It's the subdivision would not receive final approval, so the lots wouldn't be created.

Mr. Otomo: The County's position on this, Commissioner Hiranaga, is that we can go through the subdivision process, meaning that we can apply for preliminary subdivision approval. However, the County will not accept construction plans of the subdivision until we had an adequate source of water.

Mr. Hiranaga: And that's just infrastructure for the subdivision itself?

Mr. Otomo: That's correct.

Mr. Hiranaga: Thank you.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Stacy, the report indicates drilling a well at the 380-foot elevation. Is that in proximity to the project or somewhere else in the Central Maui system?

Mr. Otomo: Initially, that was one of the alternatives that was considered—potentially drilling a well and dedicating it to the County.

Mr. Hedani: Whatever the case, you folks will comply with the new Show Me the Water Bill, and you go through whatever you have to go through in order to comply with that basically, right?

Mr. Otomo: That's correct.

Mr. Starr: I wanna ask Corp. Counsel a question since the Show Me the Water Bill has been mentioned in the discussion. As part of our decision-making process, do we have to take that into account? And if not us, who and when?

Mr. James Giroux: Thank you, Chair. I think, you know, by the passage of that bill, the Council is pretty clear that they wanted this analysis to be done at the subdivision level. That's, you know, it's not to say that you don't look at all of the, you know, cumulative impacts and ramifications of a project. I mean, if it is a concern that, you know, the water is not gonna be there, then you can also look at scope and timing of projects. This is going to be – going to Council for a change in zoning, so at that level, since they are the policy makers for the County, they will be looking to you for advice in that area, but ultimately, they will take the responsibility of looking at this project and seeing how it fits within the County's infrastructure.

Mr. Starr: Thank you. Commissioner Guard?

Mr. Guard: So we're only creating our – being asked to recommend creating one nine-care residential, or urban lot, or land use designation. We're not really doing the subdivision anyway at this point. Does that kinda sum it up to simplify it?

Mr. Starr: Robyn, could you clarify on what exactly the issue is that's before us?

Ms. Loudermilk: The issue before you folks today are the land use issues: the re-designation from the State agricultural district to the State urban district, and the rezoning from the County agriculture to the County residential zoning district.

Mr. Starr: Okay. Commissioner Hedani?

Mr. Hedani: Robyn, I have a couple of questions. How does it fall into the County's urban boundary

map at this point?

Ms. Loudermilk: Based upon the preliminary map, this is located inside.

Mr. Hedani: So it is within the urban boundary map?

Ms. Loudermilk: Within the proposed urban growth boundary at this point in time.

Mr. Hedani: The second question that I had was relative to this project that A&B is proposing. Is it 600 acres or 600 units?

Ms. Loudermilk: I believe it's units, but I do have a brief description of the project on page 9 of the report in that approximately 600 residential dwellings on approximately 94.3 acres.

Mr. Hedani: So it's a 90-acre development?

Ms. Loudermilk: It's about a 95-acre development that will have approximately 600 with the mixture of single-family and multi-family.

Mr. Hedani: And that would about this subdivision?

Ms. Loudermilk: Yes, that would be to – with this graphic, the proposed project would be around here in this particular area just north of the existing subdivisions and our property here.

Mr. Hedani: Would that property be within the proposed urban boundary?

Ms. Loudermilk: I did not check.

Mr. Hedani: Okay.

Mr. Starr: Director?

Mr. Hunt: The subject property is within the proposed urban growth boundaries. And the project to the north of it, the Kihei residential, is likewise within the proposed urban growth boundaries. At this point, I wanna emphasize that those are proposed. It's still a public process, and there has been some comments about that urban growth boundary, and it may not eventually get adopted, but at this point, it's within that. The subject property has a community plan designation already for single-family, so there's no community plan amendment necessary. The project to the north would involve all three entitlements, so it's a higher step up. We have informed those property owners that we will not support their community plan amendment or State land use designation at this time because of the pending community plan update or General Plan update.

Mr. Starr: Thank you. And I'm very glad that question's being asked. Commissioner Hedani, did you have another?

Mr. Hedani: Yeah, just from the Department's perspective, would it be appropriate to try to anticipate inter-connectivity between the subdivision, you know, the applicant's subdivision and the

proposed future subdivision? Or is it the Department's position that that future subdivision is so far away or hypothetical at this point that it's not worth pursuing?

Mr. Hunt: Connectivity in terms of traffic?

Mr. Hedani: Right.

Mr. Hunt: I think it would be valuable. I think it's a good thing to try and anticipate connectivity between adjacent developments unless there's an indication that it's not going to be developed.

Mr. Hedani: Okay.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: You said something earlier that I just wanna make sure I understand as to what – if we approve this, and assuming the Council buys into it and everything, and I'm thinking about the water issue, they would be able to – with what we're approving today, or not approving today, we – if it gets approved all the way up, they'd be able to make the lots, sell of the lots before the water issue is solved?

Ms. Loudermilk: No, no. As part of the Show Me the Water Bill, what we're doing is that we're providing the land use entitlements for them to do – in this case would be a proposed subdivision with a proposed 47 lots. Theoretically, should the Commission recommend approval of both to the Council, and the Council chooses to accept the recommendation, the project could be changed into maybe another subdivision type of configuration, but it still needs to be within the allowable use for the residential. With the passage of the Show Me the Water Bill, the Council has determined that it's at the subdivision level that water needs to be identified and secured. And part of the subdivision process, there's two parts: your preliminary, so your proposed layout, your proposed infrastructure upgrades. There's usually a number of comments from various agencies and entities to insure that the improvements meet the various code or industry standards. Prior to coming in for the final approval which would show the final layout, incorporate all the comments onto the maps with what Stacy's calls construction drawings, and the construction drawings do get submitted, if the applicant and the Department of Water Supply – well, it's basically the applicant, if they do not have a secured source of water to the satisfaction of the Department of Water Supply, then final subdivision cannot occur.

Mr. Mardfin: And so they can't sell?

Ms. Loudermilk: They cannot sell.

Mr. Mardfin: Thank you.

Ms. Loudermilk: You're welcome.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: I guess this is a question for Robyn. The Parks Department makes an assessment of

\$15,000 per lot. In this case, 47 lots or roughly, \$600,000 to \$700,000 worth of assessment. \$243,000 of that or roughly \$250,000 of that would go to this local park. And then the balance goes into the black hole?

Ms. Loudermilk: Yes, that's my understanding. That's my understanding.

Mr. Hedani: I'm – well, answer me this question: the existing park property, is that owned by Parks and Recreation? Or is that owned by the applicant?

Ms. Loudermilk: It is owned by Parks and Recreation.

Mr. Hedani: Just as a comment, it just amazes me that they would allow the park to exist in that condition with the amount of assessments that they make to all the subdivisions that we deal with across the full spectrum. You know, of any department, I would think they would have enough money to address the needs of the residents in that area in an appropriate way. And to me, it's just frightening that you have to wait for a developer to come by to bring the park up to an acceptable condition.

Ms. Loudermilk: Yeah, and we are fortunate that we do have Mr. Sindoni willing to do that knowing that the need and actually trying to work with the Parks Department to say, hey, you know, this is gonna immediately affect their project as well as the existing neighborhood. And we do hope that this bears out.

Mr. Starr: Commissioner U`u?

Mr. U`u: I don't believe it's willing. I believe it's a must. It's not willing. The fee is in-lieu of fee. You can't get away with the fee. And part of his kuleana is to take care of the park. So it's willing. You can't say willing. I disagree with the willing part. You have to upkeep the park. And it's part of your responsibility of a developer. So I don't– But I agree where the Parks are failing in that regards. And I would like to see the money go into that park in that area, if possible. But I believe the planning is poor on this project. I believe you're creating more sprawl without proper connectivity between subdivisions. I believe we do need houses. I believe that at 47 lots, you're not– This is where I want the willing part to be in. I hope they're willing to give to schools because I know after 50 lots, you gotta give to schools in-lieu of school fees. Now, that's willing, but they fall short of it with 47. I hope they're willing to give some money to schools.

Mr. Starr: Can we hear from the applicant on that?

Mr. Hart: I think that, you know, definitely, you know, we can talk to the Department of Education, you know. I mean, look, we're not, you know, we're not trying to be a negative project. I mean in every way, we're trying to be positive. And, you know, we have to go through this entitlement process, the change in land use district boundary and the change in zoning. And, you know, we definitely will talk with the Department of Education, and definitely we'll participate with them.

As far as the park is concerned, you know, we really wanna be able to give the park back to the community. Right now it's being used as basically for an off-road motorcycle track, you know. And the Parks Department definitely wants to take it back, and to work with us, and to come up with

something that's an asset as far as the community.

There's also, you know, an existing affordable housing project that's right here that the County basically developed, and they tapped into the County's high pressure waterline which is not really supposed to be good engineering practice in order to have the affordable housing. As a result of the water improvement, you know, we are gonna be able to basically get the County affordable housing project off of that relationship. And so we'll improve basically, the water pressure in this whole area, and provide the opportunity obviously for adequate pressure for the irrigation system for the park.

But, you know, again, just in terms of what Mr. Mardfin said, you know, we're at the point of again trying to obtain the entitlements, the proper land use district boundary, which is urban; the proper zoning, and we're talking about R-1 residential district. Once we get through the Council, then we have to submit our application for subdivision approval and all the issues that we've talked about in terms of water, and the issue of connectivity. Hopefully – you know, we're certainly aren't opposed, but there is no A&B project as yet. But, you know, obviously, if there is a requirement and if there is a project, we're definitely in favor of providing more access or/and egress for traffic in the area. But the important aspect of this project is that it was designed originally as part of the original subdivision, and supposedly there is adequate access for automobiles. And certainly, we are going to do our part to basically improve the area around the subdivision and to provide adequate access when it becomes available.

Mr. Starr: You know, all this talk of access has been all in terms of automobiles. And I'm gonna ask a question which I'm gonna be asking on every project that comes before us from now on which is, say someone buys a house in this proposed subdivision, and they work in say Kahului, or Lahaina, or Wailea, and they intend to or need to go to work by public transportation, I'd like to know what they would have to do to arrive at their job via public transportation. And that's also assuming they have to walk to the public transportation and they would need a walking path or sidewalk, how would they go? Could you show me and what the distances are?

Mr. Hart: Basically, as far as the subdivision is concerned, there are sidewalks and there is connectivity to the park. But basically, I'm not sure at this point – I doubt that there is bus service at this elevation in the subdivision. I'm pretty sure there is bus service in proximity to Piilani Highway. Now, this is Piilani Highway. And essentially, this is our project. And we do have Phillip Rowell here, and maybe he has an understanding of the distance, but I don't have– I'm sorry.

Mr. Starr: Yeah, could you bring your consultant up, and let us know the status of the sidewalks and so on, how far it is, and where the bus stop is?

Mr. Hart: I don't know if we know where the bus stop is, Commissioner Starr.

Mr. Phillip Rowell: I'm not aware of any bus stop along Piilani Highway. I think the closest bus stop is on South Kihei Road.

Mr. Starr: So how far would they have to walk then?

Mr. Rowell: At least a half mile, I guess. I'm guessing. I'm not very good at guessing distances

unless I drive it, but I would say at least— When you do a bus line, you say somewhere within a quarter distance is a good distance to be served by a bus. They're much further than that.

Mr. Starr: So let me get this right: you're proposing a subdivision, but you're saying that, you know, you haven't looked at how people could get to work unless they have an automobile?

Mr. Rowell: Pretty much.

Mr. Starr: Is that correct?

Mr. Rowell: That's correct.

Mr. Starr: That's embarrassing. Commissioner Mardfin?

Mr. Mardfin: I'd like — there was one I thought — a serious note in one of the comments about a cul-de-sac. And if you could go back to the slide that showed basically your master plan, the same one that's up there? That's the one. The comment as I was reading it was you have three cul-de-sacs here: two short ones on the left; and a long, long one on the right. And the Traffic Department, I think it was the Traffic Department, it was Exhibit 6, Item 24 that commented that it was a hugely long cul-de-sac. The comment by Chris Hart was that in the report was that the configuration of the property makes it necessary to do that. It seems to me that if at the right cul-de-sac, which is very close to the property line, if that were not a cul-de-sac but an open street access, you might connect— And the proposal is possibly for A&B to the up side of that that you could have a connectivity with the A&B property should that eventuate through this subdivision. If the A&B property's up—

Mr. Hart: If it's developed, you know, that possibility exists.

Mr. Mardfin: But if it's a cul-de-sac, then the possibility won't exist because it'll be a closed—

Mr. Hart: No, no, but the idea of the cul-de-sac could be opened. It's right at the property line.

Mr. Mardfin: So you're not putting any property—?

Mr. Hart: No.

Mr. Mardfin: It would be a street length distance along the property with no intervening lot so that it could very well be open?

Mr. Hart: Sure, there's no lot here. It's just comes up to the property line. You know, the issue is, of course, that A&B has a lot more process to go through. And it's not the idea that we're opposed, but the opportunity really in the context of design hasn't presented itself.

Mr. Mardfin: In response to the department's comment that a cul-de-sac is way too long, you said you'd apply for a variance or something like that, I believe.

Mr. Hart: I think that's what we had talked about, but the basic shape of the lot in terms of the way

the engineers designed the subdivision essentially is conducive to that configuration.

Mr. Mardfin: What's that little--? Okay, right where you have the corner, go two inches to your right. Well, maybe it's six inches to the right. It looks like there's something sticking up there. Yeah, that thing. What's that?

Mr. Hart: That's basically also a small cul-de-sac. It's a hammerhead cul-de-sac.

Mr. Mardfin: Okay. Thank you.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Yeah, I think basically, you know, when I raised the question of connectivity it was basically in the context of if, when, and should something happen in the surrounding neighborhood, it would be appropriate to make appropriate provisions for--

Mr. Hart: And if the Commission in the context of the zoning that we're talking about today wants to make a statement such as that, you know, that we consider that, and that we work toward that, we certainly in the context of doing the construction documents for the project can be definitely in the context of conditions willing to participate and to address that issue.

Mr. Hedani: A question that I have here, Chris, is that I'm supportive of this project. I think this is a project for the local people. It's for residential use of the local people and it's something that we should support, and things like that can be addressed in the process. I think the problem of a cul-de-sac is actually to some degree eliminated by this project because it provides inter-connectivity between the one, long Kaiwahine Street and the side street that ties into the other access to Piilani Highway. So it actually does provide for a lot more inter-connectivity in the area. I think the problems that we're dealing with is problems with the surrounding subdivisions and not of the applicant's subdivision. I think he's actually improving the circulation patterns in the area.

Mr. Hart: Could I address just to--? You know, Commissioner Starr brought up the issue of bus transportation. You know, I, Commissioner Starr, have to say that I'm sorry, but it's another situation where Commissioner Starr is raising the bar, and I'm certainly not opposed to that, but obviously, we did not consider it in the context of our application which started back in 2007. And I apologize, Mr. Starr, for that.

Mr. Starr: And I appreciate those remarks. And I have to say it was -- you know, I did have a little bit of twinge of conscience of dropping that on you for the first time, but I do think it is time that we start to take into account the fact that there are people who cannot afford or make -- choose to not have an automobile to go to work. And we're gonna see that more and more. And when we -- we are, you know, the Planning Commission and we have to plan for that and look at every project in that light. So, you know, moving -- let's move forward, but let's move forward with the idea in mind that people have to have those choices. And if they have to walk a mile and a half, you know, let's make it clear that we're approving projects where they have to walk a mile and a half without sidewalks.

Mr. Hart: I totally agree with you and definitely I think it's important.

Mr. Starr: Okay, Commissioner Guard?

Mr. Guard: Thank you. Back to that last one, Jordan, sorry, that hammerhead that we referenced, I don't know if there's a way to keep that one open as well for future activities to – what is that? Up to the north that we discussed? There's that cul-de-sac that is closer to the park, and then you have that hammerhead right here that looks like that lot would be large enough to accommodate just keeping that open. Well, or to look at it. Then my second question was going to urban on the land use is okay. The change in zoning, we ran into this before with someone that was in the rural community plan. And then instead of going to rural one-acre, we went to – they were asking for rural half-acre. So I don't know if they looked at R-2, or R-3, or a mix for this project.

Mr. Hart: It was discussed, but in the context of the project that it is, the type – it was really felt that our one residential with the possibility of getting more lots and not having ohana units, and basically it's the intention of Mr. Sindoni to essentially try to basically address and incorporate the requirements of the Workforce Housing Bill in the context of this project, you know, with larger lots, it basically becomes more difficult to do that. So that was the basic decision to move forward with R-1 residential. And so we feel that essentially we can put together affordable lots and essentially it's gonna address a need that's more local. So therefore, that was what we went with.

Mr. Guard: I'll just finish up with that. Then I think my only main obstacle is the 47-lot knowing that going over 50 kicks in this DOE contribution. So it would be nice to either see what schools could just use some help down in the Kihei area whether it be computers. I know – I think you've probably worked with other developers that do voluntary contributions. And it is gonna be a workforce probably a hundred percent occupied. I don't think this is a vacation home area. So on that note, I commend the group. And then on the public transportation issue, I think people are gonna be able to choose where they live whether they have a car or not. And we'll start seeing ads in the paper of close to the bus drop-off and what not. And this one, people might take it because they might have a nicer view than something down right on the bus line. So I think it's a great project if we can take of that – those issues, and taking care of some kids.

Mr. Hart: Thank you.

Mr. Starr: Since we are advisory on this, you know, after we have our public testimony, and I'm going to open for the Members to have an opportunity to make some comments that will be transferred along with our recommendation to the Council. So, you know, that might be a place for that. Commissioner Mardfin?

Mr. Mardfin: We've talked about the A&B property to the – I don't know which way true north is, but on that diagram, to the north. It is north? Okay, that makes it easier for me. And then to the south of that, what is–? Who–? Is there a proposal to put houses in there, too, or a potential proposal to put houses in there?

Ms. Loudermilk: I understand it's a potential for an industrial park expansion.

Mr. Hart: Well, there is some industrial, but that actually belongs to Haleakala Ranch. And there is – basically, it's in the community plan as single-family. And issues that have basically deterred the development of that land have primarily been the water issues. So that was part of the

discussion that went on with Haleakala Ranch, but there is an area farther down that is proposed for industrial farther makai.

Mr. Mardfin: But if – okay, so – but if you're – basically, if the water problem – you're showing at least the way to solve the water problem, then that subdivision area could get expanded to the east.

Mr. Hart: Commissioner Mardfin, we – Mr. Sindoni had many discussions with Haleakala Ranch. And out of the discussion, there was definitely an agreement that he could locate his booster pump and his tank on Haleakala Ranch land. But as far as coming to an agreement that would allow for construction of like a million-gallon tank that would solve issues related to water for this project, and this project, and perhaps even something that A&B would be proposing, that never – that still could happen, but it hasn't happened yet. So the decision was to go ahead, and to try to address the issues that were related to this particular project, and to actually improve the water system in this County's affordable housing project. Okay? And that's essentially where we are right now.

Mr. Mardfin: Okay, and now let's talk about in the low affordable housing area, there seems to be a – go up – yeah, right there – there seems to be a road that leads to nowhere moving from left to right, from east to west. Yeah, the one east-west, though, right. And it seems to end nowhere.

Mr. Hart: Oh, right here.

Mr. Mardfin: Right. Is there a way–? If somebody's gonna put a project to the east of that development, would it be useful to have another connectivity from the south of your project that would lead into there? And if you go to your site development map, it looks like there are properties there so that you couldn't get a connectivity. Yeah, you'd maybe want to go down there, or maybe in further to the east, to the west somewhere in there maybe? But you have lots here, so that couldn't happen. And it seems to me that you might wanna lose – give up one lot to preserve the potential access to the property to the south.

Mr. Hart: Okay. We could– This is a pretty– This is a larger lot than 6,000 square feet. It might be possible to shift this lot and be able to get a street through here, or – it could be possible.

Mr. Starr: Okay, Commissioner Hiranaga? Thank you for your patience.

Mr. Hiranaga: I just wanted to mention, you know, there seems to be this concern about this proposed A&B project, 600 units, and if and when this project may be developed. I just wanted to provide some information. The Maui Lani project–A&B proposed that in the early '70s. They actually sold the project, I believe, to someone else in the late '80s. And I believe the first homes were built in the early '90s. So 20 years had passed. And that – they already had the project district designation. They didn't have a State land use amendment change. So to be worrying about this 600 units that may be built 20 or 30 years from now I think you're just putting too much emphasis on that and trying to place that burden on this developer who's – he's trying to build – he's willing to meet the affordable housing requirement. And the more lots you pull away, the more conditions you put on it, the greater the development cost, the more he's gotta charge for those homes, the market homes, to balance the affordable. So let's be a little cautious about what we start requiring the developer to do. And the water tank is to increase the water pressure. It's not

to increase the water capacity. I'm sure there's some storage increase, but it is primarily to increase the pressure for this subdivision which is located at a higher elevation. So I just wanted to make those comments. If I could have one more question?

Mr. Starr: Go ahead.

Mr. Hiranaga: My major concern is the traffic condition at the intersection of Piilani Highway and Ohukai. And in the afternoon, it's already rated F. And in according to your traffic study, it will only increase the traffic load by 1%. And they keep mentioning Kaonoulu Ranch Subdivision as being a major development that will alleviate some of the pressure on these subdivisions. So I'm just wondering— Your last report was in '07. So I'm just wondering why they feel that this project, Kaonoulu Ranch Subdivision, is gonna all of a sudden help alleviate the traffic pressure on Ohukai and Piilani.

Mr. Rowell: I will try to answer that. Thank you. Kaonoulu Ranch is— I'm sorry?

Mr. Starr: Introduce yourself.

Mr. Rowell: A little hard of hearing too. The traffic study for Kaonoulu Ranch just went in. The final went in within the last month. So it's under review. And there was a whole lot of mitigation measures along that Piilani corridor as part of that traffic study. And also one of the mitigation measures was to redesign the project and downsize it. So those recommendations are under review, and that will eventually change how we're going to deal with the mitigation measures at Ohukai and Piilani.

Mr. Hiranaga: Can you be more specific how it will help Ohukai's intersection?

Mr. Rowell: Well, we've recommended that the approaches on both sides, eastbound and westbound, be modified to provide three lanes. Right now you basically have — eastbound, you have one lane; westbound you have a left; and I think you have a — excuse me, a left, and a through, and a right-turn only. So we're recommending that you have three lanes: left, through, and right. And that the signal timing be modified to provide some relief to that coming out of Ohukai.

Mr. Hiranaga: And when an intersection is rated F, at what point does it go to G? 'Cause you said you're only adding 1%.

Mr. Rowell: I get asked why there isn't a Z, but anyway, what we're trying to do— Let me rephrase this. In reality—I'll start at the beginning—if we're doing an existing situation, in theory, an intersection cannot be at F, Level of Service F. If an intersection reaches F, the volumes drop. Therefore, you actually have a lower level of service. So what you see as F is what we're projecting. We're projecting that taking the existing traffic, expanding it by a growth factor, we've added in all these other projects in the area that will be developed, and we'll assume all those projects are 100% occupied. If we're looking at say the Maui Lu project which is one of our projects, we'll assume that every hotel room and every timeshare room, the restaurant and everything is fully occupied that all the retail spaces in the Kihei Gateway are occupied, all the spaces at . . . (inaudible) . . . Marketplace are occupied, and then the peak hours of all these things

coincide. So we're looking at a very conservative analysis. So when you're looking at a Level of Service F, and you see that Level of Service F is your base condition, and then you add in your project, that's why I put in that number, a table in the report that gives you a number of what the percentage increase is as a result of project-generated traffic. I forgot what the table numbers are in the report. Yes, we're gonna have F, but the question here is, are we mitigating any significant impacts created by this project? And when you look at the change in the VC ratio, the change in the delay, and the percentage increase of traffic . . . (inaudible) . . . some projects just don't generate that much traffic, and this is one of them.

Mr. Starr: That helped clear things up. Commissioner Mardfin?

Mr. Mardfin: This isn't for you, Mr. Rowell, so – but it's for either Chris or the developer. Commissioner Hiranaga has stressed that this is possibly for local people. Do you have any notion of–? I know things will change in time. I know that supply and demand determines prices, but do you have any notion as to what these lots would sell for?

Mr. Hart: Well, actually, you know, we're gonna have to sell 40% of them in ranges that are going to be essentially established through the Department of Housing and Human Concerns and the housing agreement in order to comply with the Workforce Housing requirements. And that's – but beyond that, I don't think that we're prepared to– We're assuming that lots would be less than \$600,000 each. Yeah, so, definitely, you're talking about 40% of the lots would be available for Workforce Housing. So I don't think you have any– I'm sorry. We just don't have an idea at this point. There's so many issues that go into this especially, with regard to the water, you know, what we actually end up having to provide in terms of the improvement for the water.

Mr. Mardfin: But you're– Let's go back to one thing. I hadn't realized it. You're gonna do – 40% will be meet Housing and Human Concerns?

Mr. Hart: Well, the idea is that the project, you know, in the context of a 6,000 square foot R-1 residential project, we're looking to satisfy the requirements for the Workforce Housing in the context of the project.

Mr. Mardfin: What price would that be just out of curiosity?

Mr. Hart: Well, that has to be established by the Department of Housing and Human Concerns.

Mr. Mardfin: And you're going to do this by actually setting aside 40% of the lots, not by making some financial contribution?

Ms. Loudermilk: The applicant has indicated that he will be utilizing the lots and not a monetary contribution with Housing and Human Concerns. And regarding the price, that also is contingent on the Workforce Housing with Housing and Human Concerns. Every year the median price changes. You know, they need to go through a formula and work their way through that.

Mr. Mardfin: And how would they – who would determine the allocation of those 40% of the lots? Would that be HH–?

Ms. Loudermilk: It would be through Housing and Human Concerns and who they determine whether it's the applicant or somebody else. That's part of the agreement that gets worked out. In the past, Workforce Housing, the agreement with the applicant is that the – the applicant does the notice in the paper, whatever needs to be done, information to get out to compile the initial list.

Mr. Mardfin: And then it's a random draw or–?

Ms. Loudermilk: It depends. It depends. In the past it has been by lottery, but there's no set procedure.

Mr. Mardfin: Thank you.

Mr. Starr: Okay, the Chair has a question. The applicant shows that the project – proposed project will take care of the increase in runoff and turn that into recharge. However, the amount of runoff that's currently being generated on the site sheet flows and eventually ends up on the reef. There's real problems with algae bloom and other issues that can be led partially to chemicals being used for lawns and stuff around developed houses. Since the initial runoff will still be sheet flowed to the ocean, and right now there's no chemicals being applied and no nutrients, once the project is developed, it will contribute to harm to the nearshore waters. I'm wondering whether it's possible to retain a larger proportion perhaps all of the runoff from the site both pre and post development as we've been seeing in other projects rather than simply the . . . (inaudible) . . . increase.

Mr. Otomo: Stacy Otomo again. Chair Starr, what we would propose to do is handle the increase plus an additional 15% of the existing flow. So there'll be a net decrease of 15% of the existing flow going down to the adjacent Piilani Subdivision.

Mr. Starr: So 85% of the existing flow now will be charged with chemicals that will destroy the reef. You're still going to sheet flow then into the ocean and do damage with it?

Mr. Otomo: We would retain a portion of the existing runoff that goes down.

Mr. Starr: Only 15%, however.

Mr. Otomo: At least 15%.

Mr. Starr: Can you make that say, 50%?

Mr. Otomo: At this particular time, we haven't sized the system. On this project, we don't have an opportunity to use a lot of onsite detention basins. So a lot of the storage will be by perforated pipes. You know, we can provide at least 15% additional– Fifty percent I think would be quite expensive and maybe difficult for the project.

Mr. Starr: Okay, Commissioner Hiranaga, and then we should move on to public testimony.

Mr. Hiranaga: Just looking at the staff report on page 9 – no, actually, I misread this. So you can forget my question.

Mr. Hart: Could I—? Commissioner Starr?

Mr. Starr: Hold on. Commissioner Hiranaga, do you still have the floor or—?

Mr. Hiranaga: I retract my question.

Mr. Starr: Okay, yeah, go ahead.

Mr. Hart: Commissioner Starr, you know, one thing that, you know, we have been just looking at the site itself. And we haven't— There is an area in the park in terms of the configuration of the topography of the park that we could talk to the Parks Department and see if there wasn't an opportunity to basically have some retention area in the park. Now – but we haven't done that yet but, you know, it's something that we can discuss with the Parks Department.

Mr. Starr: Okay. If it's okay with the Body, I'd like to open it for public testimony on this. Okay, any member of the public wishing to testify on this item, please come forward or make yourself known.

a. Public Hearing

(The following testimony was given at the beginning of the meeting.)

Mr. David Weiss: Thank you, Commission. I do wanna testify on this proposed—

Mr. Starr: Give your name for the record.

Mr. Weiss: My name's David Weiss. I live in Halepiilani neighborhood. I've been a resident there for 21 years originally, one of the last. I do wanna not so much testify against the neighborhood, but the access up, ingress, egress . . . (inaudible) . . . I think it probably was a good idea 20 years ago, but in the last 20 years, this neighborhood has been systematically overbuilt. I don't know if anybody's been in there, but two out of three houses are grossly out of code. There's at least three times of many people and cars in there than probably originally allocated.

So Kailohia and Kaiwahine are the two access arteries through that neighborhood. Kailohia is almost non passable with cars parked on both sides. You have to go straight up the middle of the street. So most everybody takes Kaiwahine. In addition to that, you have a new neighborhood – well, it's not new anymore, but the last 15 years—Hale Kai neighborhood. To avoid the speed bumps and Ohukai, which if you're turning right to go to either Kahului or Lahaina, you have to sit in line on Ohukai because there's really not a right-turn lane. So everybody tends – their tendency is to use Kaiwahine. So needless to say, it's overused, and I don't think another neighborhood of 50 and who knows how many homes are overbuilt will that street be able to handle. I do mention the fact that 20 years ago on a planning – on a piece of paper probably looked good, but you have, as I mentioned, three times – I believe three times as many people in there before. We've tried as an owners association for years to get this corrected without any assistance. We just ran into a lot of obstruction from the County. And I'm concerned that this neighborhood will go into the same – follow the same peril as Halepiilani.

I don't know exactly how many houses, but I divided it out, and I don't know are ohana-zoned on

there or not. It looked like each lot would be 7,000 to 8,000 square feet depending on the common area. I don't really know, but the fact is we're really concerned. I'm here today, but we do have a kind of a reemerging owners association that I think we have about 15 or 20 people that actually were in agreement with what I have to say here today. I don't know if there's been a traffic impact study, but the street is basically a freeway in the morning.

Another issue is the park. I know I read in somewhere where they're gonna do something with the park. This park was actually never completed. It was put in about 15 years ago. The children's equipment burned down about eight years ago and it's still there. The sharp plastic—they never replaced it. They never tore it down. Now you got – and that park really is just access to the fields with dirt bikes all day long, so now you're adding another hundred homes, or 50 homes, or whatever it'll turn out to be for future use on the park. And unfortunately, the park's turned into basically, like I said, access to a – for dirt bikes to get up in the fields, and it's a full moon place to party at night.

Mr. Starr: Try to wrap up.

Mr. Weiss: Yeah. So that's all I have to say. I don't think, in wrapping up, that Kaiwahine can support another subdivision.

Mr. Starr: Are you representing the association or you personally?

Mr. Weiss: We don't – me personally, but are we forming a new kind of ad hoc association that we're all concerned.

Mr. Starr: Okay. Commission U`u?

Mr. U`u: Question: where is the park located?

Mr. Weiss: It's located actually at the top of Kailohia Street. My home borders the park so I have a good idea. There's – it's a little community park that was originally supposed to be a walk-up park, but they threw a parking lot in there at the last minute. So it is a – it's somewhat of a park. It's really in disrepair.

Mr. U`u: So the equipment burned down?

Mr. Weiss: Yeah, the children's equipment burned down about eight years ago. It was never replaced. They just cut away some of it. I've tried with the Parks Department for years to either get it torn down. There's sharp plastic edges. It's been there for eight years. The lawn's never came in. It's all weeds. And it's – really this park is access for dirt bikes, and we've tried for years to get something done. So the County came in and put a little wood fence like this, but left a 12-foot gap in there. So all day– But, yeah, the kids' – has never been replaced.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: When–? It looks like there's – it's full of subdivisions over there. When was the last subdivision put in?

Mr. Weiss: I think adjacent to the street would be Hale Kai, and that was probably about 15 years ago, maybe a little more.

Mr. Mardfin: And when did you buy into the subdivision?

Mr. Weiss: We bought in '87 and was completed in '88. So we moved in—

Mr. Mardfin: So you were in a couple of subdivisions – a couple of subdivisions have been built since you moved in?

Mr. Weiss: Well, at least one, the Hale Kai, which I think was a County-subsidized neighborhood. Yes, so I think we've been there – my oldest son was – moved in a week before he was born. He's just turned 20. So we've been in there about 20-plus years.

Mr. Mardfin: Did you notice a significant impact from the last subdivision that was built?

Mr. Weiss: Yes. That, and it was hard to tell because systematically, this subdivision, Halepiilani, with 250 homes is grossly overbuilt. I mean, and literally every day there's a carport enclosed or another addition added on. So as you're— There's so many illegal rentals in there. There's just more cars. So I can't tell if it's Hale Kai or – which is the same thing happening at Hale Kai right now.

Mr. Mardfin: Do you find B&Bs down there or transient vacation rentals?

Mr. Weiss: I don't think anybody wants to stay up there—transient. It's just all long term rental.

Mr. Mardfin: It's long term rental?

Mr. Weiss: As far as I can tell, right. And mostly, like I said, either out of code, or un-permitted, and etc.

Mr. Mardfin: Out of code because they have more homes on the property than they're allowed?

Mr. Weiss: Yeah, there was only about a third zoned ohana—7,500 square foot. Most of it's 6,600 to 6,900 square feet, but that doesn't stop three, or four, five, you know, dwellings on one property. And, you know, we've tried for years with the County and gave up to try and reverse this trend. It just didn't work. But there's a ton of houses and a ton of cars in there.

Mr. Mardfin: Thank you.

Mr. Starr: Members? Okay, thank you very much for coming before us.

(This is the end of public testimony received at the beginning of the meeting.)

Mr. Starr: Okay, not seeing any public testimony on this item, it will be closed, and the floor is now open to one of several things. One is for the questions or discussion. Number two would be a motion. And if there is a motion, then we'll have an opportunity to add comments that would be

attached with our transmittal. Members, your pleasure?
Commissioner– Would –

Mr. Hedani: Is the staff gonna be making a recommendation?

Mr. Starr: Okay. Robyn? I don't think we need to read it all, but why don't you give us the bones of the recommendation.

Ms. Loudermilk: The Department recommends approval of the State land use district boundary amendment. The Department recommends that the Maui Planning Commission recommend to the Maui County Council approval of the State land use district boundary amendment from agriculture to urban. That's our first recommendation. Any discussion?

Mr. Starr: Okay, are there several steps to this, Robyn?

Ms. Loudermilk: Do you want me to go through both recommendations at the same time?

Mr. Starr: In other words, you know, I just wanna be clear that there are two different items and we're dealing with one of them at this time, right?

Ms. Loudermilk: Yes, as of right now, I've provided the recommendation for the land use district boundary amendment. I can then go in and do the recommendation for the change in zoning at this point in time.

Mr. Starr: Okay. Why don't you do–? Give us– Wait a second. Commissioner Hedani?

b. Action

Mr. Hedani: If a motion is in order, I'd like to – well, I move to accept the Department's recommendation as presented.

Mr. Starr: That's the regarding the land use boundary amendment. Is that correct?

Mr. U`u: Second.

Mr. Starr: Okay, we have a motion by Commissioner Hedani, seconded by Commissioner U`u. And the motion is–

Ms. Loudermilk: The motion is to accept the Department's recommendation for the State land use district boundary amendment.

Mr. Starr: Okay. And the–

Ms. Loudermilk: I would like to note there are no proposed conditions regarding this particular action item. The conditions are being imposed on the change in zoning which we are not acting on at this point in time.

Mr. Starr: Okay, Members, discussion on this? Yeah, the motion was made by Commissioner Hedani. The second was by Commissioner U`u. And Corp. Counsel has a comment. I think what you may be looking at is change in zoning, James.

Mr. Giroux: We're on the State land use district?

Ms. Loudermilk: Yes.

Mr. Giroux: I just wanna make one comment. I was reviewing 19.68 and just trying to make sure that our transmittal will be in conformance to that. And the language is that we are to send a report and recommendation. So I just wanna make it clear that in the motion that the recommendation is that this report and recommendation be adopted as your report and recommendation to Council. So I just wanted to add that language to make sure that it's clear.

Ms. Loudermilk: Yes. And that language can be found on page 4 after the change in zoning.

Mr. Giroux: Yeah, I just wanted to make sure that the language is—

Ms. Loudermilk: The motion includes the transmittal authorizing the Director to transmit to the Commission.

Mr. Starr: Okay, so the motion is a recommendation and—

Ms. Loudermilk: And authorization.

Mr. Starr: And authorization. And it's, right now, as per the staff report. Now, I know there were some items brought up in discussion which could probably be added on as part of the discussion. Now, whether they should be part of the district boundary amendment, or the change in zoning, or both, I'm a little bit unclear. My feeling is that they're probably a part of the change in zoning, but I just didn't wanna put that up there. If any Member wanted to add something specifically to the district boundary amendment, now would be the time to add that as an amendment. Seeing none— Commissioner Hedani?

Mr. Hedani: Speaking in favor of the motion, I think basically any project that can comply with the Workforce Housing Ordinance, as well as the Show Me the Water Bill, and directs development toward providing needed residential housing should be supported. And it's on that basis that, you know, I would vote in favor of the motion.

Mr. Starr: Okay. Commissioner Guard?

Mr. Guard: Thank you. I don't know if at the State level would be an opportunity to try to work something out with the DOE. I know that area. In particular, that Kihei Youth Center is filled with kids. Some of their best meals are Friday night pizza. Even if it was volunteering to try to help out with some kind of feeding these kids, or there's that program to supply some backpacks with food over the weekends, these are definitely the meat of our working class people that their kids go hungry, and it's in those schools, in that neighborhood. So I think as a developer trying to be a part of Maui to help out working class people buy homes, you should think about the kids that aren't

even able to eat during the week besides their school lunch.

Ms. Loudermilk: I believe we would prefer to have that be part of the change in zoning.

Mr. Guard: I just figured DOE was a State agency.

Ms. Loudermilk: Yeah, no, very appropriate, but I think we would prefer to have them all within the change in zoning being under the purview of the County zoning. We'd have that much more teeth on it. Thank you, though.

Mr. Starr: The Chair has one with this. I think that it will have more effect as part of the change in zoning, but just to read the conclusions of law required under the State district boundary amendment, Point 3 states that the proposed request is located in proximity and availability of basic services such as schools, park, wastewater systems, solid waste disposal, drainage, water, and transportation systems. And I do think that we may be lacking, but I will not be calling for any action on this. I just wanna bring up that we are making a statement that this is in proximity to transportation systems where I'm not quite sure if it is.

Ms. Loudermilk: Okay, thank you.

Mr. Starr: Okay, Members, are we ready for the vote? Okay, so on the motion for recommendation of approval, please – all in favor, please raise your hand. Okay, any opposed?

It was moved by Mr. Hedani, seconded by Mr. U`u, then

VOTED: To Accept the Recommendation of Approval of the State Land use District Boundary Amendment from State Agriculture District to the State Urban District.
(Assenting - W. Hedani, B. U`u, K. Hiranaga, J. Guard, W. Mardfin, D. Domingo)
(Dissenting - J. Starr)
(Excused - W. Iaconetti)
(Absent - J. Pawsat)

Mr. Starr: **Okay, motion carries. The vote is six and the Chair votes nay, so six to one.** The floor is now open for the recommendation from staff regarding the change in zoning.

Ms. Loudermilk: Regarding the change in zoning, the Maui Planning Department recommends that the Maui Commission recommend to the Council approval of the change in zoning from agriculture to R-1 residential subject to, and we've identified seven conditions. In addition, we'd request that the Commission adopt the Department's report and recommendation memorandum prepared for this meeting, and authorize the Planning Director to transmit the recommendations to the Council. And so that concludes the Department's recommendation.

Mr. Starr: Okay, the floor is now open for a motion. Commissioner Hedani?

Mr. Hedani: So moved.

Mr. U`u: Second.

Mr. Starr: Moved by Commissioner Hedani, seconded by Commissioner U`u that – and Robyn, please read the motion worded properly.

Ms. Loudermilk: The Maui Planning Department recommends that the Maui Planning Commission recommend to the Maui County Council approval of the change in zoning from agriculture to R-1 residential subject to the following conditions. We have seven conditions. In consideration of the foregoing, the Maui Planning Department recommends that the Maui Planning Commission adopts the Maui Planning Department's report and recommendation memorandum prepared for the June 18, 2008 meeting as its findings of fact, conclusion of law, and decision and order. And further, to authorize the Planning Director to transmit said recommendations to the Maui County Council.

Mr. Hedani: June 10.

Ms. Loudermilk: June 10. Thank you.

Mr. Starr: Commissioner Hedani, is that consistent with the intent of the maker? Okay. So we have a motion on the floor and seconded. Discussion? Commissioner Guard?

Mr. Guard: Thank you. I'll just go through maybe one item at a time and I'll open it back up later on.

Mr. Starr: Wait a sec. You know, if this is additional items that should go with it to the Council, I'd prefer if we maybe have staff open a – you know, make a list as Members state them. And then we could read them all back as a–

Mr. Guard: Okay. Let me go through and we'll see how we wanna handle it because I think Item 1 just needs to be reworded a bit–Condition 1, if that's–

Mr. Starr: Well, I don't wanna just discuss it. I wanna make an amendment and act or not act.

Mr. Guard: Okay. I guess I'm throwing it out there for the Commission's consideration.

Mr. Starr: Okay, you don't wanna make an amendment?

Mr. Guard: I'll make an amendment.

Mr. Starr: Okay, offer an amendment.

Mr. Guard: That once the property has received final subdivision, the property be limited to a maximum of 47 lots with no accessory dwelling unit allowed on any lot. I just don't like "no ohanas shall be allowed." It doesn't really – it's a little slang that I think should be changed.

Ms. Loudermilk: Can you please repeat that?

Mr. Guard: That once the property has received final subdivision approval, the subdivision will be

limited to—

Ms. Loudermilk: I no more shorthand, okay? Sorry.

Mr. Guard: Okay. Well, okay, the first part is no change till final subdivision approval. So the first word that was changed, “The subdivision shall be limited to a maximum of 47 lots,” and I guess we could just put period. “No lots” or “no accessory dwelling units are allowed on any of the lots.”

Ms. Loudermilk: Okay. So “The subdivision shall be limited to a maximum of 47 lots,” period. And then the new sentence would be “No accessory dwelling units.”

Mr. Guard: Mainly that. That’s the crux of the change was just using the term “ohana” I think is a little – it’s just slang for ADU in Hawai’i.

Mr. Starr: Okay, do you have additional or is that it for the amendment?

Mr. Guard: That’s it for that amendment there. I just thought we’d go through one at a time.

Mr. Starr: Okay, could we have a second to that amendment?

Mr. Mardfin: I’ll second it.

Mr. Starr: Okay, motion by Commissioner Guard, seconded by Commissioner Mardfin to amend. And the wording of the amendment is—

Ms. Loudermilk: “That once the property has received final subdivision approval, the subdivision shall be limited to a maximum of 47 lots. No accessory dwelling unit shall be allowed.”

Mr. Starr: And this is a change in wording. Discussion? Commissioner Hedani?

Mr. Hedani: So you’re talking about 47 residential lots and you’re not counting roadway lots, or any other interconnection lots?

Mr. Guard: Oh, I guess we could add that term as well. The main issue is if we need to open up any lots for say like an interior park that I’ve seen in a lot of other communities of 47 units, a lot of these aren’t gonna have very much yard space, so if one lot was created just for a lot of the neighborhood kids to congregate to without going to that larger park. You’ll see them – they’re fairly prevalent on Oahu just with open space, couple benches, trees, whatnot. And it might afford the opportunity to put some drainage onsite to help with the retention.

Mr. Starr: If we add the word ‘residential’ before the word “lots,” would that satisfy that concern, and will that be acceptable to the maker and the second?

Mr. Mardfin: Acceptable.

Mr. Guard: Acceptable.

Mr. Starr: Okay, Robyn, please— Okay.

Ms. Loudermilk: I will just go starting from the second paragraph – I mean, the second sentence, “The subdivision shall be limited to a maximum of 47 residential lots.”

Mr. Starr: Okay, Commissioner Hiranaga?

Mr. Hiranaga: I’m opposed to the amendment because I believe that we are so early in the planning process that to place that type of a limitation on the project I think is premature. And when they apply with their preliminary subdivision approval, the preliminary subdivision plan to the County for comments, we don’t know what’s gonna be required by the County. And I think if they’re able to squeeze out a couple more lots that will make this project more feasible and affordable, they should have that ability. So I’ll be voting against that amendment. Again, this is – they haven’t really submitted a plan to the County for any type of comments.

Mr. Starr: Okay, Commissioner Mardfin next, then Commissioner U`u. Oh, I’m sorry.

Mr. Hunt: The staff would agree with the wording regarding the accessory dwellings. On the other hand, we would agree with Commissioner Hiranaga on not limiting the lots. The more lots we can get in there, the better. We’re gonna talk about connectivity later, but just the idea the more lots, the better.

Mr. Starr: Commissioner Guard?

Mr. Guard: I’ll go along with that. I was just always under the impression that when they do a whole presentation of 47 lots that we vote on, and then it comes out with more than that, I thought that was an issue of – I guess, I don’t know if it’s an issue of doing a presentation for two hours on 47 lots, and you come back with 55. That’s a fairly large increase.

Mr. Starr: Okay, Members? Perhaps if that’s your feeling—

Mr. Guard: But I’ll change that motion. That’s fine.

Mr. Starr: Why don’t you amend the motion to take out the first sentence and just leave it that no ohana—? That –

Mr. Guard: Okay. Why don’t—? I’ll just remove my motion and create a new one. Either way. There’s more than one way to kill a cat. “No accessory dwelling shall be allowed.”

Mr. Starr: Okay. This is a second to your amendment?

Mr. U`u: Second.

Mr. Starr: Okay, so a second to your amendment on the amendment to the amendment has been made that changes the wording. And it’s been made by Commissioner Guard, seconded by Commissioner U`u. Robyn, read the new wording with a second to the amendment on it that just changes – just leaves it to the last sentence only.

Ms. Loudermilk: "That once a property has received final subdivision approval, no accessory dwelling unit shall be allowed."

Mr. Starr: Okay, that's how it stands. Okay, all in favor of the amendment to the amendment, please raise your hand. Any opposed, please raise your hand.

It was moved by Mr. Guard, seconded by Mr. U'u, then

**VOTED: To Amend the Amendment to the Change to Condition No. 1 as follows:
"That once a property has received final subdivision approval, no
accessory dwelling unit shall be allowed."**

**(Assenting - W. Hedani, B. U'u, K. Hiranaga, J. Guard,
D. Domingo, W. Mardfin, J. Starr)**

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Okay, that motion carries seven to nothing—the amendment to the amendment.** Now the main amendment, which has now been modified as was just stated. Commissioner Mardfin?

Mr. Mardfin: I'm just curious. What would be the difference between accessory dwelling units and ohana units?

Ms. Loudermilk: There is none. Technically, in the Zoning Code, it's called "accessory dwelling units." We call it "ohana dwelling units" as a slang because when the legislature passed the legislation to allow for this, it was identified as ohana units. The intent was for not to have them be rented out, but to be for your family.

Mr. Mardfin: So it was a political decision to call it that?

Ms. Loudermilk: Yes, initially at the legislature.

Mr. Starr: So it's a technical correction actually. Go ahead, Jeff.

Mr. Hunt: Just really briefly. The legislation was to provide for affordable housing or a family. So they could be rented out, just not short term.

Mr. Starr: Okay, we're on the main amendment. First, your amendment. Any – all in favor, please raise your hand. Any opposed? Oh, wait.

Mr. Guard: Oh, I raised my hand. I'm sorry. I'm for it.

It was moved by Mr. Guard, seconded by Mr. U'u, then

VOTED: To Approve the Main Amendment As Discussed.

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

Mr. Starr: **Okay, so it's seven to nothing. The amendment as altered passes.** Now, the floor is open for additional amendments. Commissioner Guard?

Mr. Guard: Sorry. This isn't an additional amendment. This is more of a question. On this – two and three are in reference to traffic fees. And I wasn't sure if there's been other cases where people instead of saying it gets returned to the applicant that they're willing to participate with some traffic measure on that. I could turn that as a comment. I just can't remember all of the people that have said they're gonna pay the fee, whether or not this bill ever passes, this traffic impact fee passes.

Mr. Starr: Okay. Are there any additional amendments? Commissioner Mardfin?

Mr. Mardfin: In response to the Commissioner's comment, I would amend – move to amend by deletion of the last sentence in Condition 2. Delete the sentence, "If the project is completed before the traffic impact is established then these monies should be returned to the applicant."

Ms. Loudermilk: Can I provide some background information on this particular one? The County of Maui and the Council has been working in the past several years to develop traffic impact fees. Initially, it was for the community plan areas of West Maui and Kihei-Makena. They then determined that they wanted to establish fees island-wide. This is the – 14.58 is the mechanism that the County has to receive the fees. However, at this point in time, no fees have been established. And at this point in time, the County of Maui has not identified any particular roadway improvements that would be required. So that's why this is a little bit general. And I think what that last line does is just insure that if the fees are not in place, we don't have authorization to keep the money. Now, if we had identified proposed improvements from the County or from the State DOT, I would've worded it very differently to include, you know, in lieu to do those improvements. But in this particular project, go to the report, State DOT has no specific recommendation for improvements, neither does the County of Maui. Thus, number two is specific to the authorization the County of Maui has. And again, that last sentence indicates that, you know, if fees have not been passed, we're really not authorized to keep the money, and similar for number three for the State DOT.

Mr. Mardfin: I'd like to keep – I'd like to still vote on it, but I will stipulate that the money, rather than be returned to the applicant, go to either MEO or whatever agency could provide some mass transit alternatives to the project.

Mr. Starr: Commissioner Mardfin is making an amendment, a proposed amendment. And I just – could you just restate your amendment one more time, and then we'll see if we get a second?

Mr. Mardfin: Right. Item two deals with the County. And it says, "Shall participate in future impact fee for traffic and roadway improvements." I would construe that to include–

Mr. Starr: No—

Mr. Mardfin: I'll make my amendment.

Mr. Starr: Yeah, okay.

Mr. Mardfin: I would construe that to include mass transit alternatives which would affect traffic and roadway improvements. And so I would say that in the last sentence, "If the project is completed before the traffic impact is established, then these monies shall be returned to the applicant," now I understand you don't know what the amount of monies will be, but I would like whatever monies is finally established to go towards supporting a mass transit aspect that would be able to serve this subdivision.

Mr. Starr: Okay, please make it as an amendment.

Mr. Mardfin: The amendment is to delete the last sentence in Item 2, and substitute "Such monies would be able, when they're determined, shall be payable to the County to support a mass transit alternative serving this subdivision."

Ms. Loudermilk: Okay, before we get—

Mr. Starr: You're out of order. Is there a second? Seeing none, the amendment fails. Commissioner Hedani?

Mr. Hedani: You know, I think the more complicated would make this thing — the more moving parts we attach to it, the harder it is to develop.

Mr. Starr: Yeah, the Chair would like to make a suggestion and see if Commissioners are open to it. I know a number of us have some comments that we feel should be a part of this. However, it's difficult to — we know it's difficult to encumber it. Since it is advisory going to the Council, perhaps we could just have the staff open up a sheet and we can make a number of comments that would be transmitted along with it. And that will allow us to make sure that those items are considered by the Council. You know, it would be somewhat informal in terms of not necessarily being done by a specific amendment, but it would probably save time and allow us to put our comments in if we can agree to them. Commissioner Hiranaga?

Mr. Hiranaga: I guess I'm opposed to that suggestion. I think if it's going to be a communication from the Commission, it needs to be voted on, and be made a part of the motion. If Commissioners have specific concerns, they're—I think—welcome and allowed to testify before the Council before this goes on their agenda, and they can express their personal opinions, but I'm against an informal letter.

Mr. Giroux: Can I suggest a compromise in that you start putting these on lists, and at the end or during comment, you can take a vote? And if there's a majority that would support that comment, then it goes into your official comment to the Council.

Mr. Starr: So the item we're discussing is whether we can make a list of some comments and then

vote on them as an amendment to be included with the recommendation regarding the change in zoning.

Ms. Loudermilk: Clarification please, Chair? So these comments, there is – they're just strictly comments. So you're gonna accept the conditions as is. You're not gonna add any additional conditions to the change in zoning?

Mr. Starr: We haven't gotten there yet, Robyn.

Ms. Loudermilk: That's why I'm asking for clarification.

Mr. Starr: Okay, we haven't– Wait till we do something first. I'm looking to see if that is a process that's acceptable. And if so, let's put it forward. Commissioner Hedani?

Mr. Hedani: My perspective is that, you know, you have the opportunity to attach conditions. If you wanna attach a condition, you should attach the condition, discuss it, debate it, vote on it, and if everybody agrees, it becomes a condition of the project. That's the way it's set up right now.

Mr. Starr: Members? Okay, what I'm saying is that no one else has any interest in attaching a list of comments to this. So that idea is not gonna go. Commissioner Mardfin?

Mr. Mardfin: I'd like to attach a Condition No. 8.

Mr. Starr: So you're offering an amendment?

Mr. Mardfin: An amendment to attach Condition No. 8, "That the developers of this project work with MEO to develop a transit plan that would provide service to this particular development and surrounding developments."

Mr. Starr: Okay, we have a possible amendment on the floor. Is there a second? Seeing none, the amendment dies. Okay, Members, any other amendments or additional discussion? Commissioner Mardfin?

Mr. Mardfin: I'd like to offer an amendment, Condition No. 8 that would have the developers insure that there's access to any potential developments south of their property toward the low housing area. As it is now, it seems to be cut off from the area, and there's no potential to have connectivity with any potential development to the south.

Mr. Starr: Okay, we have an amendment on the floor. Is there a second to the amendment? Okay, not seeing any, the amendment dies. Any additional discussion or amendments? Commissioner Guard, go ahead.

Mr. Guard: . . . They proposed 15% over the change–the post development runoff. I had 30% written down in my notes of what I thought was acceptable to me. And I don't really know the wording on that. I'd like to make an amendment to the motion that the development retain all post development drainage, plus 25% of current sheet flow. I think that's a–

Mr. Starr: We have an amendment on the floor. Is there a second to the amendment?

Mr. Mardfin: Second.

Mr. Starr: Okay, we have an amendment by Commissioner Guard, seconded by Commissioner Mardfin that the developer shall retain onsite all the increase in runoff, plus a minimum of 25% of the pre-development runoff. Commissioner Guard, is that correct?

Mr. Guard: Yes, I'd like to restate it, though, actually.

Mr. Starr: Okay. Get your eraser up.

Mr. Guard: Okay, well, they proposed possibly being able to do it in the park, and that would technically not be onsite. So I – if there's a way to change that term to possibly do some retention on the existing park. They said there was a swale there. And hopefully, 25% isn't too bad, but it is down in North Kihei. That water runs brown real quick.

Ms. Loudermilk: Let me check with Public Works to see what would be the wording that could accommodate that. Thank you, Mike. Basically, the proposed Condition No. 8 is in addition to retaining the excess runoff onsite that they retain up to 25% of the pre-development runoff. And there's some discussion that part of that may be retained offsite.

Ms. Miyamoto: Mr. Chair, the location of the additional drainage is certainly not something that we would regulate. It's part of their development plan. They could certainly propose it. And if they have construction plans during subdivision when we would review it, we'd have to make sure that, you know, they would have that included in their construction plans. We would go through the typical plan approval process. We'd route it through Parks since it is Parks' property for their approval.

Mr. Starr: And so what I'm seeing is that perhaps if the amendment as originally stated, the wording would change to "in the vicinity" of the project area rather than "onsite."

Mr. Guard: That'll be acceptable.

Mr. Starr: So we have an amendment that's been made by Commissioner Guard, seconded by Mr. Mardfin. And, Robyn, can you read it out as it currently stands.

Ms. Loudermilk: I'm writing it down right now. Excuse me. I'm writing it down right now.

Mr. Starr: Okay, take your time.

Ms. Loudermilk: Okay, I'd like to read out the language that I understand that this proposed condition be, "That the developer shall retain 25% of the pre-development runoff in the vicinity of the project."

Mr. Starr: Yeah, along with all of the increase in runoff.

Ms. Loudermilk: I would then indicate, "That in addition to retaining post development runoff that

the developer shall retain the 25% of the pre-development runoff in the vicinity of the project.”

Mr. Starr: Yeah, the increase.

Ms. Loudermilk: Yeah, yeah, yeah. Well–

Mr. Starr: Please read it one more time. I mean, I'd be very happy for them to have – retain post development.

Ms. Loudermilk: “That in addition to retaining the increased runoff from the development of the project that the developer shall also retain 25% of the pre-development runoff in the vicinity of the project.”

Mr. Starr: Is that consistent? Commissioner Mardfin?

Mr. Mardfin: I'd like to amend the amendment to change the 25% to 50%.

Mr. Starr: Okay, we have a–

Mr. Hiranaga: Can we have discussion on the original amendment prior to–?

Mr. Starr: It's in order. This is a secondary – a second to your amendment. Is there a second to the second to your amendment to increase the percentage from 25% to 50%? Seeing none, the second to your amendment fails. I believe Deputy Director Miyamoto has a comment.

Mr. Miyamoto: Thank you, Mr. Chair. The proposed amendment, you know, the voluntary increase by drainage retention of 25% is very amendable. I think the word “vicinity” sort of may cause a problem for them in the event that, for example, let's say their proposal is to put it on the park property, and the Parks Department does not wish to have their parks be used as a drainage basin, then it becomes a problem for the developer. So what may end being the end result is a sacrifice of one residential property to increase their drainage capacity within the development. So I think to keep it flexible for them, just to have them do the increase in drainage retention but not use words like “in the vicinity” because that sort of implies some knowledge of a requirement of the – something else is gonna be required whereas they may be able to do it all within their site.

Mr. Starr: I don't think that the wording – the current wording precludes them doing it onsite or on any neighbor's property. I think it's broad enough. Members? Commissioner Hiranaga?

Mr. Hiranaga: What was the proposed retention by the applicant?

Ms. Loudermilk: Fifteen percent.

Mr. Hiranaga: Of–?

Ms. Loudermilk: Of pre-development runoff. Post development runoff would be captured all, plus an addition of 15% from the pre-development.

Mr. Hiranaga: And is there a minimum standard that's required by Public Works?

Ms. Loudermilk: Minimum standard for runoff retention—pre and post development?

Mr. Miyamoto: As stated by their engineer, typically the County requires incremental change. That's all that's required by code. So anything beyond that is voluntary by the applicants.

Mr. Starr: Commissioner Hiranaga?

Mr. Hiranaga: Once again, we placed this financial burden of requiring affordable housing units on a project. And every lot you take away makes the market homes go up in price, and it places a financial burden on the developer. The community plan states this as a single-family designation whenever that was adopted by the Council in the early '90s or late '80s. I mean, this is what the community at that time wanted. I'm a little concerned about certain proposed conditions that are being placed on this project. Thank you.

Mr. Starr: Okay, Members? Commissioner Mardfin?

Mr. Mardfin: I'd like to speak for the amendment. Commissioner Hiranaga says that it raises the prices of the 60% of the units are not under the Workforce Housing. It shouldn't affect the ones under Workforce Housings since I understand now that the price is determined in conjunction with HHC. And I don't have a problem with requiring the rest of the lots to pay for this sort of thing because as Commissioner Starr pointed out in the discussion, these lots will change the nature of what's in that runoff by being developed. They're likely to have fertilizers and other things on there. So it changes the nature of the runoff that does go into the ocean. And I think it's appropriate to capture some of that to minimize impacts on the reef.

Mr. Starr: Okay, Members? Commissioner Hedani?

Mr. Hedani: To some degree, you know, I – well, personally, I would oppose the amendment because it may be the case that there's chemicals in the runoff. It may be the case that there isn't. Pre-development runoff that contains sediment, plain 'ole ordinary dirt that ends up in the ocean would do just as much to kill the coral on the reefs as would chemicals. Chemicals might be dissipated in the water to the point where it doesn't affect the coral. We're speculating on things that we really don't know, you know, what the case is. And we're kind of trying to micro manage a project to the point where at some point you hit a tipping point then nothing happens. Everything doesn't pencil out. And the whole thing sits on the shelf for another 20 years and nobody ends up with housing. If we're going to do 25% for every single project from this point forward, then so be it, but that's a law. And that's something that we shouldn't be doing. It's something that the Council should be doing.

Mr. Starr: Okay, yeah, Commissioner U`u?

Mr. U`u: Yeah, I agree with Commissioner Hedani. And – but we gotta be careful when we set precedence for future development. Prior to development, there was no affordable housing policy. I think the County dropped the ball and they imposing the restrictions on the developer. Also, there

was not the Show Me the Water Bill, and now you have the Show Me the Water Bill. The Parks' fee increased huge. And now we going add to the runoff. And the end result will be no homes especially, in the slower times like we facing now. And we might be thinking we doing a great thing by adding on, but the end result is zero—no homes. I remember years ago, the Mayor sat right here and he said, "We'll fix affordable housing problems. Look at this. I got it all here." Let's be real. Nothing's happened since then. And we see that, and we put new rules acting like we one genius here, and nothing gets done, and we at the same spot we was three years ago or worse—no affordable homes. So we can hit it to crap, and we going get crap at the end. And we can add the 50%, and these guys gonna bail out, and we stuck with nothing. So at what point—and I'm just asking—at what point do we say we taxed them enough or they pulling out? Or we thinking we doing a good thing when the end result we got zero.

Mr. Starr: Okay, Members, let's deal with the amendment—yay or nay. Are we ready for a vote? Okay. All in favor of the amendment, please signify by raising your hand. All opposed, please raise your hand.

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

VOTED: To Add a Condition No. 8 as Follows:

That in addition to retaining the increased runoff from the development of the project that the developer shall also retain 25% of the pre-development runoff in the vicinity of the project.

(Assenting - J. Guard, W. Mardfin, J. Starr)

(Dissenting- D. Domingo, W. Hedani, K. Hiranaga, B. U`u)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Okay, the amendment fails by a vote of three in favor and four against.** We are now – have the floor open for any further discussion, any additional amendments, if failing which way we'll vote on the main motion. Commissioner Mardfin?

Mr. Mardfin: I'd just like to say I'm gonna vote against this motion. While I think it's an admirable project in many, many ways, but the failure to address connectivity to the south, failure to get conditions that would have them work on transit solutions other than the automobile, the failure to retain more of the pre-development runoff will get me to vote no on the amendment – on the motion. And I hope it passes, but I have to vote no.

Mr. Starr: Commissioner Guard?

Mr. Guard: I guess I'd really hate even raising any vote because we seem to trip over ourselves more than anything else. The 15% that they proposed is admirable and they said they could do that onsite, correct? That's what it sounded like I heard. And they said they were looking into a drainage swale on the park. And everyone that's in the SMA were trying to up our drainage retention to keep this stuff out of the ocean. If this developer knows anything about downstream, you can't even see the water. If there's any surf, it turns brown. And we can either keep our heads

in the sand and be okay with that, but I'm not one of them. I'd like to see some improvements being made. And if it's from the County in the '60s, '70s, '80s, at some point we gotta say, let's try to do better. I commend them for a lot of these small things. Again, this was a recommendation. In the months ahead that they go to the Council, there's the opportunity to change our recommendation. So I'm disappointed with the Commission on us taking— Chris Hart, I commend him for his 15-minute presentation. And ever since all we do is slow each other down. I'll vote for it. I think it's a great project. I just thought it was a small enough detail that us within the room could say, hey, you know what? We're here on the Planning Commission to try to better the community and make something better.

Mr. Starr: Okay, Members, we ready for the question? Commissioner Hedani, you had something?

Mr. Hedani: Yeah, I just wanted to address Commissioner Mardfin's concern about connectivity to the south. If you look at the project area, this is the project site. And it's surrounded by projects that are dead-worm subdivisions basically, cul-de-saced with only one connection to Piilani Highway here. And this entire subdivision here is connected by one roadway that connects to Piilani Subdivision here. There's nothing in-between that interconnects these two projects. It's not the projects' fault that that occurred. It's because these guys came in individually looking at their own kuleana and ended up with the designs that we have. This particular project by connecting at this point here creates access to the south. It ties in on this particular street so if you lived here, the fastest way to get out on Piilani Highway might not be to take this – this exit. It might be to go this way and then come back down. So it doubles the access for a hundred percent of the people. It gives them another alternative to connect to Piilani Highway for this entire subdivision. So it does provide additional connectivity from that perspective.

Mr. Starr: Okay, let's – ready to call the question? Okay, all in favor of the main motion to recommend approval of the change in zoning please raise your hand. All opposed, please raise your hand.

It was moved by Mr. Hedani, seconded by Mr. U'u, then

VOTED: To Accept the Recommendation to Recommend Approval of the Change in Zoning County Agriculture District to R-1 Residential District to the County Council.

**(Assenting - W. Hedani, B. U'u, K. Hiranaga, J. Guard,
D. Domingo)**

(Dissenting - W. Mardfin, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **The motion passes by five to two.** Congratulations to the applicant. We will take a ten-minute recess.

(A recess was then taken at 11:07 a.m., and the meeting reconvened at 11:16 a.m.)

Mr. Starr: Okay, Mr. Director, take it away.

2. MR. JOSH STONE requesting a Special Management Area Use Permit for the proposed Paia Commercial Building, a 5,400 square-foot commercial building and related improvements located at 151 Hana Highway, TMK: 2-6-004: 011, Paia, Island of Maui. (SM1 2007/0004) (D. Dias)

Mr. Hunt read the agenda item into the record.

Mr. Danny Dias: Good morning, Chairman Starr, Members of the Commission. To help alleviate time, I will have the applicant do their presentation first, and come back and just give a short presentation on the processing of this application.

Mr. Starr: Okay, Mr. Dias, could you give us an idea of how long the presentation will be?

Mr. Dias: Seven to ten minutes.

Mr. Starr: Oh, okay, excellent. Take it away, Rowena. Oh, yeah, introduce yourself.

Ms. Rowena Dagdag: Good morning, Chair Starr, Vice-Chair Guard, and Members of the Maui Planning Commission. My name is Rowena Dagdag, a planner with the firm of Munekiyo and Hiraga. And I'm here today as part of the project team representing the applicant, Josh Stone, for the proposed Paia Commercial Building project. Joining me this morning and available for questions are Mr. Josh Stone, the applicant; Mr. Jim Niess of Maui Architectural Group; Mr. Stacy Otomo of Otomo Engineering Incorporated; and Mr. Michael Munekiyo of Munekiyo and Hiraga. Other members of our project team include the project archaeologist, Ms. Lisa Rotunna-Hazuka of Archaeological Services Hawai'i; Mr. Rick Mayberry of Mayberry and Associates; and the traffic engineer, Ms. Cathy Leong, of Wilson Okamoto Corporation.

This morning's presentation will consist of short overviews from both the architect and the civil engineer, but before I hand you over, however, I would like to first briefly provide some contextual information on the property in question.

The proposed project will be undertaken on an 8,002 square foot parcel in the Paia-Haiku Community Plan located within the vicinity of the core of Paia Town. The entire property is owned by Ralph and Loretta Ikeda. The applicant, Josh Stone, has a pending purchase agreement for the property with the current landowners. The entire property is designated urban by the State Land Use Commission; classified business commercial by the Paia-Haiku Community Plan; and zoned B-CT, business county town district, by the County of Maui.

The property is bordered to the north by existing single-family residences and the Pacific Ocean. To the east we find Hana Highway, and existing commercial buildings, as well as the Paia Fire Station. Other single-family residences and commercial buildings are located south of the project. And to the west, the core of Paia town and other commercial buildings such as the Paia General Store and the Minit Stop gas station. Access to the project site is provided via Hana Highway. And I'd like to note in particular, as well, this is another intersection called Luna Place.

The project site is currently occupied by an existing single-family residence which is in disrepair. The applicant plans to demolish the existing structure. An SMA exemption was approved for the

demolition in 2006. Demolition permits for the residence will be secured upon an approval of the SMA permit for the proposed commercial structure. We'd also like to report that the applicant held a community meeting with landowners and residents within 500 feet of the property on August 7, 2008. The applicant has also met with the Paia Main Street Association, an affiliate of the Tri-Isle Main Street Resource Network, and this morning we had Jocelyn Perreira of the organization come in to testify. Since then, the applicant has been communicating with and also working with the neighboring landowners, as well as the community organizations to address comments and concerns about the project and to review proposed improvements.

Now, before I hand you over to the project architect, I'd like to briefly touch upon the project components, which include commercial and retail spaces provided on the ground level; office and storage space provided on the second level; as well as related parking and landscape improvements, which include an onsite parking lot with a total of 13 paved parking stalls and one loading zone.

We'd also like to note the following sustainable concepts which include the following: the use of shading devices, the use of high performance low . . . (inaudible) . . . glass in south-facing windows, the use of operable windows, also day-lighting through the use of skylights, photovoltaic solar electrical systems, the use of variable speed motors and mechanical equipment, high efficiency lighting, insulation of the building's shell and roof, low-flow water-dispensing devices, low VOC materials in building construction and furnishings, the capture and onsite disposal of storm water runoff, and the employment of best management practices during construction.

I'll now hand you over to the project architect, Mr. Jim Niess, who will give you a brief overview of the design-related parameters for the commercial building project.

Mr. Jim Niess: Thank you, Rowena. And good morning, Commissioners. I am Jim Niess, Maui Architectural Group, and it's a pleasure to be here this morning to present this project in Paia Town, one of our venerable, historic, plantation towns. And basically I just wanted to run through a few of the design elements that were incorporated into the project to help retain the architectural character of Paia. We've worked hard over the years, you know, to perpetuate the architectural character of these small plantation towns, the country town zoning ordinance, the design guidelines, a lot of educational aspects largely handled through the Main Street organization. And we just wanted to fit into those guidelines and present a project that is in – is compatible with the existing Paia Town.

Basically, here's the site plan. We're on the east end of town. This is Homelani Place over here. We – one of the basic concepts is to place the parking at the rear of the property so that the vehicles aren't seen. This is a fairly small lot—about 8,000 square feet, but we did have enough room for a driveway alongside. We're gonna park behind the main building. So the ground floor we have a small amount of retail commercial on the ground floor; and then on the second floor which extends over the parking, we have office space above. So we get a double advantage here of parking underneath not seeing the vehicles from the roadway and having shaded parking stalls without trees. Also, as Jocelyn mentioned earlier this morning, it preserves the streetscape of Paia Town by bringing the facade of the building up to the sidewalk. We did include— The Police Department in their review comments pointed out that there is an intersection between pedestrians and vehicles exiting the property. So we've, at their request, put in a speed bump, or speed hump,

or a device, a calming device to alert drivers that they are coming up to a sensitive intersection here.

The board basically shows the street presentation. Again with the facade, we're using design elements from the country town business guidelines that include canopies, balconies, attic vents, recessed entry, but most important the facade comes up to the sidewalk. In order to make these things work, we've had to set the building back about five or six feet so that the canopies don't hang over public property because we don't have the law structured properly at this time to do that. And basically, the building materials will be wood, corrugated metal, and a little bit of stucco highlighting. As Rowena went over the sustainable concepts, I think the most important one is the fact that the building will be powered by photovoltaic systems that won't be visible from the street. So really what we're trying to do is provide a modern sustainable commercial building in a vernacular wrapper, and I think that's what we've done fairly well. Thank you very much.

Mr. Starr: Okay, thank you, Jim. It's a nice-looking project. Members, questions for the applicant? I have a question, Jim. And it is a beautiful-looking project. And I appreciate it's really green, and especially you're gonna maintain all the runoff onsite since we are dealing with an SMA. You're certainly raising the bar on this kind of thing. Are you gonna go for Leed Certification because it looks like you've got more than enough points just from the stuff you've described?

Mr. Niess: The trouble with going for Leed certification is that there's a pretty substantial cost involved in the certification process. You're right. We do have quite a few sustainable issues put forward, and we just haven't pursued the certification, but the spirit is there.

Mr. Starr: Okay. Commissioner Mardfin?

Mr. Mardfin: I just wanted to ask— I think I went by the site today when I was driving in. And I looked at it and it looked like there was a home— I couldn't tell. Was there — is there a fence in the houses behind it?

Mr. Niess: That's correct, right now.

Mr. Mardfin: And going — this is a jump, disconnect, from what I just asked. Is there any bikeways in that area? 'Cause I don't — on that diagram, I don't see one. Now maybe there is on the mauka side of the road.

Mr. Niess: You mean marked on the highway itself? I don't believe there is a bike path here. It terminates on the other side of Paia and runs all the way into town.

Mr. Mardfin: So what would people do? Drive on the — take their bikes on the sidewalk, or on the roadway, and take a chance?

Mr. Niess: Yeah, if it were me, I wouldn't ride a bike on Hana Highway.

Mr. Mardfin: There are a couple that were ten miles in that were going toward Hana.

Mr. Niess: (Inaudible)

Mr. Mardfin: That looks very nice.

Mr. Starr: Commissioner Hiranaga?

Mr. Hiranaga: What is that? Is that a stairway up in the upper right-hand corner?

Mr. Niess: That is. That is the second exit from the second floor mandated by the code. It's a fire exit.

Mr. Hiranaga: I guess one of the concerns the neighbors have is noise generation. I'm wondering what is the purpose of that lanai on the makai side of the building?

Mr. Niess: It's only to access the stairway, and it's only four feet wide, so it's not really a lanai. It's an exit way. And so there's no reason for social congregation back on this lanai. It's just the back door.

Mr. Hiranaga: You don't think so because it has an ocean view?

Mr. Niess: Good point. You know, it's only four-foot wide, though. We're not trying to – this is an office building.

Mr. Hiranaga: So there will be some type of office rules preventing loitering?

Mr. Niess: Put that in place.

Mr. Hiranaga: For viewing of the ocean view?

Mr. Niess: It doesn't run across the whole back either. It just runs from the door – from the doorway upstairs over to the stairway and down.

Mr. Hiranaga: So was that a no or yes to my question?

Mr. Niess: I'm sure we can put that kind of language into the leases or I could have the owner address that.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: I'm looking at what you have on the screen there for the preliminary site – and I see a model of a car. Is that – that car is exiting, I take it?

Mr. Niess: That's correct.

Mr. Mardfin: Is that –? I can't tell. Is it wide enough for a car to come in at the same time?

Mr. Niess: Well, it is, although we're taxed with a loading zone requirement. Now, a loading zone in this kind of a commercial setting is rarely used. I mean, it's not used like, for instance, McDonald's down here that runs a big tractor trailer into their driveway, but nevertheless, the code

mandates a loading zone. However, most of the time this will be a two-way. There'll be an entryway and an exitway. And so there is room for two-way traffic here.

Mr. Mardfin: And I noticed you talked about some issues. The concern of the Police Department was that you exit there, you have a vision toward the Hana side, but you don't – you're blocked by the building from seeing pedestrians and/or bikes going – coming from the Kahului side.

Mr. Niess: That's true. So caution is – This is true with every alleyway in this kind of a rural town setting. So we're gonna take extra measures. We're gonna light it at night, put signage up, if necessary, but the traffic – and we'll do the painting of the walkway.

Mr. Mardfin: It said something about horn sound – horns or something going off as a potential –? You didn't say you would do it, but it said they might have some sort of a sound thing. So I gathered it was as a car approaches, it goes beep, beep, beep, beep, beep, or something like that?

Mr. Niess: I suppose that kind of technology is available, but it doesn't seem compatible with our rural country town.

Mr. Mardfin: And it didn't do to me either, but I saw somewhere in here so – a concern.

Mr. Niess: One thing I didn't point out, I should've, when we were discussing this is that there is a six-foot high concrete separation wall between our property and the residential properties to the rear and to the east. And that'll be landscaped on both sides.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Jim, you mentioned that the law as it's currently written now creates a problem relative to canopies over the sidewalk. Can you elaborate on that?

Mr. Niess: Well, yeah, I can. Actually, the best example of that is just to walk down Main Street here. You can see all the buildings where the canopies that used to be have been sheared off because over time, they need maintenance. Once they come down, they can't be replaced because, you know, from the Building Code, the way it's stated is in order to get a reasonable canopy, say four or five feet, you're 14, or 15, 16 feet in the air – too high to make adequate shade and wind protection. And in the Wailuku area, we have the Small Town Zoning and Development Code which allows canopies to come out an eight-foot over the public way to put canopies back on the historic buildings. That only applies to Wailuku at this point. And through Main Street and education, we've tried to get this rule modified for the rest of these country towns, and I'd say it's a work in progress, though.

Mr. Hedani: So that would provide for a shaded walkway, basically.

Mr. Niess: Exactly. Here, we set the building back and moved the sidewalk in slightly to make that happen.

Mr. Hedani: Thank you.

Mr. Starr: Okay, I'm gonna– Commissioner Hiranaga?

Mr. Hiranaga: I guess this is a question for Public Works. The loading zone the way it's located I guess would encourage commercial vehicles to reverse as they exit the property. Is that allowable by County code?

Mr. Miyamoto: Mr. Chair, typically we do not encourage the reversal onto the public – the roadway. The adjacent roadway is a State highway at this point, so it would be the State's comment as it is Hana Highway. But it does appear that there's opportunities within the parking area that a vehicle could possibly turn around depending on the size. Naturally, it depends on the size of the vehicle that would be doing the delivery, but it does look like there is some opportunity for some turnaround.

Mr. Niess: I might comment on that, too. I mean, if I were driving a truck, I'd reverse in and come out forward because you can see as you're approaching, and you've got a helper, you back into the property, and then you're going forward on the way out.

Mr. Hiranaga: But the location of the loading zone as far as the County is concerned is acceptable?

Mr. Miyamoto: At this point, yeah, we'd have to check with Fire to see if Fire would have any problems with that, but that's something when we go through the building process we'll find out.

Mr. Hiranaga: As far as the current roadway striping on Hana Highway, you're not proposing any changes?

Mr. Niess: No, changes are being proposed. And I'd like to have Stacy Otomo come up and discuss those with you.

Mr. Hiranaga: 'Cause those are not reflected on this.

Mr. Niess: Not on this particular plan, no, but they are on the plan on the floor here. Stacy?

Mr. Otomo: Good morning, Mr. Chair, Members of the Planning Commission, Stacy Otomo. In the last year or couple years, the State Department of Transportation recently resurfaced and re-striped Hana Highway in this particular area. We've met with them on a couple of occasions, and in accordance with the recommendations from a traffic engineer, they recommended a left-turn pocket into the project site. And right now, there is a left-turn pocket which kinda comes down. It ends right in here. What we're gonna do is extend it a few more feet up to where the yellow is, and redo right in this particular area so we do have a pocket to turn right inside the project driveway. And that was acceptable to the State Department of Transportation.

Mr. Starr: Okay, Commissioner Guard?

Mr. Guard: Unless Commissioner Hiranaga had a followup question on that.

Mr. Hiranaga: Actually, I was gonna ask a followup question, but go ahead.

Mr. Guard: Mine had to do with drainage. I guess Commissioner Starr brought up that you guys were retaining all the current sheet flow and additional runoff onsite, or just the increase, is what I read.

Mr. Otomo: What we were proposing was the increase for the 50-year storm, plus an additional 25% onsite, not the entire—

Mr. Guard: Not the entire amount?

Mr. Otomo: That's correct.

Mr. Guard: Okay, that's what I thought.

Mr. Starr: Okay, Commissioner Hiranaga?

Mr. Hiranaga: What is the purpose for that 45-degree angle as you're turning left into the project? It kinda angles off versus being 90 degrees.

Mr. Otomo: This particular lane as it is now and we're extending it, it's what they call a "suicide lane" where you can do a left-turn in both directions. So that's the reason why we had this little taper right here.

Mr. Hiranaga: How would the people on the neighboring driveway make a left turn? They'd have to cross the double line or is it not allowed?

Mr. Otomo: If they wanted to do a left turn across the—?

Mr. Hiranaga: Heading east.

Mr. Otomo: Into Hana? It's allowable. So they would cross the median striping.

Mr. Starr: Okay. I'm gonna call for public testimony at this time on the item.

a. Public Hearing

(The following testimonies were given at the beginning on the meeting.)

Mr. Starr: The next testifier is – looks like Douglas Sameshima. Please come up. Thank you for coming, and try to keep it within three minutes if you can, sir. Speak into the mic. Pull the mic down toward you a bit.

Mr. Douglas Sameshima: Douglas Sameshima testifying on matter no. 2, public hearing regarding Mr. Josh Stone's requesting a special management area permit. I did submit a written letter to the Commission. I'm not sure if anyone had time to read it. It was done yesterday. But for purposes of testifying now, I just wanna emphasize that the two conditions we would request be ordered are: 1) the stone wall around the property on the makai and Hana side to mitigate noise, and especially, on the makai side to mitigate fumes and noise from the parking lot to a dwelling unit that's set back

six feet from the boundary line. And 2) the left-turn lane extension to the property project, the project property, but not any further. And the reasons are spelled out in my letter. I did wanna reserve for testifying when they do make their presentation, but I'm not sure if I'm gonna be here or not. So I just wanted to get that on the record that those two conditions are the most important to us. And hopefully, I'll be able to testify when they present. So I'd like to reserve the rest of my time.

Mr. Starr: Okay, that's fine. I'd like to ask if— It looks like we have Wailuku Main Street is here — Tri-Isle Main Street. Welcome, Jocelyn. Please try to keep it to three minutes.

Ms. Jocelyn Perreira: Good morning, Commission Chair, Members of the Planning Commission. My name is Jocelyn Perreira. I'm the Executive Director and the Tri-Isle Main Street Program Coordinator for the Wailuku Main Street Association, Inc., Tri-Isle Main Street Resource Center. I'm here this morning to speak on behalf of Ms. Lisa Starr who is on her way to Honolulu. She's the Chair of the Paia Main Street Association, as well as adding our voice in support for Mr. Josh Stone's project. That's 151 Hana Highway. This is property that used to be owned by Mr. Ikeda. And I do want to let everyone know that we've been involved in this project from the inception. And our team of professionals have been working with Mr. Stone and his professionals throughout making adjustments to areas that we may have had concerns relative to design, or safety issues, or so on and so forth. And we feel very, very satisfied that they have gone above and beyond what needed to be done to try to insure the fact that this was going to be a very complimentary project for the continued revitalization of Paia Town. This is a very important project where — in the proximity of where it sits, because it actually helps the street wall of the town and the dynamics in continuing it to be a small town business type of building that's located there. The use is going to be very much useful to the town. So we would like to wholeheartedly support this project on behalf of the Paia Main Street Association, Ms. Lisa Starr, and the Tri-Isle Main Street Resource Center. We believe that this is a very conscientious property owner that is trying his utmost to work with the community to comply. And fortunately for him, he's availed himself of very specially skilled local resources in order to achieve and help us retain sense of place. Thank you.

Mr. Starr: Okay, thank you. Commissioner U`u?

Mr. U`u: Good morning, Jocelyn. You guys had talks with anybody in that neighborhood—Homelani Street?

Ms. Perreira: You know that particular area is one we're very familiar with because of the Don Nelson's projects, the Kobayashi, and what have you, projects that have had different concerns from time to time, and have been able to be mitigated and worked out. So we are aware that there are some concerns especially, as you ingress and egress out of the properties. We also had discussions with the State Department of Transportation and what their requirements were.

Mr. U`u: Because it does seem like — if you read his letter that two business opened up recently, and it's affecting the ingress and egress on that property. And there was no parking available for that two businesses opening up.

Ms. Perreira: Parking is a challenge in Paia. There's never enough. And we continue to look for an additional piece of property that can be probably utilized for additional parking. We do feel that

he does and has made every effort to meet his requirements as stipulated – that was requested and stipulated. It is a challenge. And I guess as more people come into town, more people fill up these buildings, it'll become increasingly more a challenge.

Mr. U`u: The only concern I have is it abuts a residential neighborhood. And that's the only concern. And it's an older neighborhood, so I guess it's shaking up the neighborhood a bit. So that's my only concern I have with this. Thank you.

Ms. Perreira: He's been made aware, just for your information that every courtesy and respect has to be afforded to those who are residents of the area. When people come in and conduct business in a town, they need to remember the first and foremost of importance in a community are the people who have to live there and live with the results of what business is going to do in the particular area. But we are available if there ever is another need to mitigate again as such was the case with the Nato Noodle Factory and Mr. Don Nelson. And that resolved – that worked into a very good resolution between everybody having a mutual understanding, and respect, and how they can work together, and coexist.

Mr. Starr: Okay. Thank you very much for giving us of your time.

Ms. Perreira: Thank you for this opportunity.

(This is the end of public testimonies received at the beginning of the meeting.)

Mr. Starr: I believe that we have a testifier who had given us some comments before and wanted to come back. And we'll allow that, but first I wanna see if there's anyone else from the public who hasn't testified yet and will get first shot. So anyone wishing to testify, please let yourself be known. Seeing none, I'll call upon Mr. Sameshima and – for additional testimony, and ask him to try to keep it brief.

Mr. Sameshima: Thank you, Mr. Chairman. Douglas Sameshima again appearing—a testifier regarding this project. I would like to thank and commend Mr. Stone for his efforts in working with the neighbors, and the community, and making this a project that is as good as it can probably get in the neighborhood, and given what he has to work with. We've taken a position of no position regarding its approval. I don't want you to think we're damning him with faint praise. It's a decent project. Obviously, we wish there was no project, but he does – recognizing he has certain rights to do what he can do. And as neighbors, we have to learn to live with those things, and he's been willing to work with us, and we've been trying to work with him. And we've had a very open communication and have been able to work out a number of issues.

A couple of issues I raised in my letter, and a lot of my letter is kinda venting against the other neighbor which, you know, who set the precedent for what Mr. Stone has had to work with and against because of the nature of that development, which is in my mind, or at least in my complaints to the Land Use and Codes and Planning I believe are – there's some problems with what's being done on that property. And I wish they could get back to me eventually, but hopefully, they will since it's been about six months since I wrote a letter. Anyway—

Mr. Starr: Okay, please keep your comments to this project.

Mr. Sameshima: As far as this property goes, the – it was mentioned that there is a line of sight to Hana Highway and there really isn't to the Hana side. If I could look at the – this area, I just found out is not parking, according to the DOT, but it is always utilized as parking. So we have the same issue coming out from Homelani Place that we cannot see past here to the intersection with the Smith Subdivision here and coming down Hana Highway. There are cars parked here encroaching on our driveway. And hopefully this re-striping will, if the State does it right, will eliminate any attempts to park in this area. Now, they – apparently, it's not parking now, but they're doing nothing to enforce it. And it's beyond the County's control. It's a State control, and had I known it wasn't parking, I would've complained a long time ago, but this will help.

Our concern is that this may be seen as an invitation to turn down Homelani Place. As I mentioned in our letter, we're trying to minimize that. We already have problems with people from this property. We can only see an increase and further trespassing. I guess you have to put some kind of striping here. You know, we would like it to end there, but if this works for everyone better, that's fine.

Mr. Starr: Okay, please wrap it up.

Mr. Sameshima: The other thing is the noise from the back walkway area. And Mr. Stone has said he's willing to cover the stairway which should help alleviate some of the noise, and would build in house rules regarding the use of the property, and the hours, and so forth.

Finally, as far as mitigating trespassers using our roadway, he's also discussed putting in a gate. And we would suggest that it be a waivable condition. In other words, we're not sure–

Mr. Starr: Okay, please wrap it up.

Mr. Sameshima: We're not sure we want a gate, but we would want the option to have a gate ordered to be put in should we choose to do so.

Mr. Starr: Okay, thank you. Members? Commissioner Guard?

Mr. Guard: So the main one that you guys are working on now is the rock wall going in makai and on the east side? That's what you brought up in your first testimony?

Mr. Sameshima: Yeah, that–

Mr. Guard: For noise and fumes?

Mr. Sameshima: They built that in and we're satisfied. If they're gonna do that, that's fine. If that's a condition, that's fine, too, since they're planning on doing it anyway.

Mr. Guard: Doing it anyway, that's what I thought it was. Okay. And your other concern was the striping and that's kinda the DOT more than we can do.

Mr. Sameshima: Right, and we can work with that. And they're working on DOT to get that left-turn lane in and that'll be a big help.

Mr. Starr: Okay, thank you. Commissioner Hiranaga?

Mr. Hiranaga: You mentioned some type of modification to the lanai facing makai. You're gonna enclose the lanai?

Mr. Sameshima: Well, they're gonna enclose the stairway. And he would – he's agreed to build in house rules regarding the leases that would mitigate people loitering in that area or–

Mr. Hiranaga: Enjoying the ocean view from the–?

Mr. Sameshima: Well, one of the other options, and this may or may not be feasible, but we can talk about it is an exit only door on the second door, which would keep people from going in, but then that hinders their access, and that may be an issue for handicapped and so forth. I'm sure if it's a real problem– It's not the biggest concern of us as far as the project goes.

Mr. Hiranaga: I agree that Homelani Drive is very inviting. It's a nice concrete driveway that's 24 feet wide or–

Mr. Sameshima: And it's only that wide because the County insisted on making it that wide for subdivision approval. It wasn't our idea. It was a dirt roadway before that was less inviting, but when we did a family subdivision, they insisted it be widened and paved.

Mr. Hiranaga: Do you have any concerns about possible food service in that building?

Mr. Sameshima: Well, it's my understanding from talking to Mr. Stone, there was no plans for food service only. They don't have a parking requirement for that. So hopefully, there won't be any.

Mr. Starr: Okay, thank you very much.

Mr. Sameshima: Thank you.

Mr. Starr: Okay, I'd like to ask Danny to come up and, you know, to read – necessarily– What? Oh, okay. Any other members of the public wishing to testify? Seeing none, public testimony is closed. Danny, please give us the highlights of your recommendation. You don't have to read all the conditions because we have them before us.

Mr. Dias: . . . (inaudible) . . . regarding this project. The County recommends approval of the special management area permit for construction of the proposed Paia commercial building subject to conditions – subject to 14 standard conditions and six project specific conditions. Should I go on?

Mr. Starr: I don't think we need to hear them all. They're there before us, unless any Member wants them read into the record. Okay, then you can wrap.

Mr. Dias: Okay, so in consideration of the foregoing, the Department of Planning recommends that the Maui Planning Commission adopt the Department of Planning's report and recommendation prepared for the June 10, 2008 meeting as its findings of fact, conclusion of law, and decision and

order, and to authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission.

Mr. Starr: Thank you. Members, discussion or motion? Commissioner Hedani?

Mr. Hedani: It's a question for Danny. Did all of the comments of the architectural or the Urban Design Review Committee get incorporated into your staff report?

Mr. Dias: Yeah, they did. Just to further discuss that, basically the Urban Design Review Board wanted to see the project twice. The first time, they made their comments and requested changes. The second time, the applicant went ahead and did all those changes.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: Do we have any idea of what sorts of establishments will be in the commercial building?

Mr. Dias: I believe it's mostly offices, but—

Mr. Starr: Can we hear from the applicant? Identify yourself.

Mr. Josh Stone: Aloha, Chairman Starr, and Members of the Planning Commission. My name is Josh Stone. Thanks for hearing me. At this time, basically we don't have any specifics on who would be going in the retail space. Obviously, the upstairs is all office. And it's a little bit early in the game to start choosing tenants. So we'll probably start looking at that once we get into the building permit phase.

Mr. Mardfin: But it wouldn't be any sort of food or beverages?

Mr. Stone: No, we can't possibly do food for two reasons: 1) we don't have the parking requirements to get a C.O. for food, and 2) we don't have the space for a grease trap. So it could never be food. We never say never, but I would never do food so—

Mr. Starr: Commissioner Guard?

Mr. Guard: Regarding the house rules you guys discussed, is there anyway to like—? I guess, I don't want it to be five years later and either you sell the building or the house rules aren't working, and then the neighborhood's not real happy with it. I don't know if there's any way to keep that in perpetuity for being — I mean, you are right on the corner—business and residential area.

Mr. Stone: Right.

Mr. Guard: If you guys had any discussions on that? It's not in here now.

Mr. Stone: Right. You know, this is a professional building, and obviously written into leases, we will definitely have hours of operation—minimum and maximum, which is beneficial to the entire space anyway 'cause nobody wants to see people hanging out there at one o'clock in the morning.

As far as Mr. Sameshima, we've had a really open rapport. And I believe in taking care of your neighbors 'cause it's a long haul thing. So obviously, if they have any concerns, they know how to find me so—

Mr. Starr: Okay, Commissioner Hiranaga?

Mr. Hiranaga: Mr. Stone, you would have no objections to a condition that would prohibit food service?

Mr. Stone: Actually, no, I would not.

Mr. Hiranaga: As part of your SMA permit?

Mr. Stone: I would not.

Mr. Hiranaga: And also some type of house rules preventing loitering on the second floor makai's lanai?

Mr. Stone: Sure, as long as a format, a suitable format, was provided—how you guys wanna see that. Obviously, it would be worked into the leases and that could definitely be a condition.

Mr. Hiranaga: And if the residents on Homelani Place request that you install an electronic gate that you would be agreeable to that?

Mr. Stone: Absolutely.

Mr. Hiranaga: Thank you.

Mr. Stone: Thank you. Any other questions?

Mr. Starr: Okay. And, Danny, why don't you prepare those that can be made available as an amendment? And by that time, you should have it ready. Rowena, did you have something for us? Oh, okay. Commissioner Mardfin, and then—

Mr. Mardfin: This is apropos of almost nothing, but is there an existing tenant in that building, the existing building?

Mr. Stone: Actually the history the building is kind of interesting. It went into a major state of disrepair. There was actually a demo permit pulled. And the owners, the owners at the moment, went through a very long legal battle with the old tenant. In the interim, we were able to rehabilitate it to a stage that I could use it from employee housing. So we have the Flatbread Restaurant in Paia and we've been housing employees in that space until we get through this phase. And we've already got another house set up for them once we take it down.

Mr. Mardfin: So they're not gonna be – they're gonna be taken cared of in some fashion?

Mr. Stone: Yeah, we're not throwing them on the street. It's horrible to have homeless employees.

Mr. Starr: Okay, Members, maybe a motion would be in order at this time, if there's no more questions. Commissioner U`u?

b. Action

Mr. U`u: Motion to approve.

Mr. Guard: Second.

Mr. Starr: And we have a motion by Commissioner U`u, seconded by Commissioner Guard. And my understanding of the motion which Mr. Dias will be reading back to us is that it's a motion to approve as per the recommendation. Read back the motion, Danny, without the additional conditions.

Mr. Dias: Without the additional conditions. Okay, I'm sorry. Can you repeat that?

Mr. Starr: Yeah, we – according to *Robert's Rules of Order*, a motion becomes a property of a body after it's been moved, and seconded, and read back to the body. So to comply with *Robert's Rules*, I insist that the motion always be stated after the second. And after discussions with our Director that staff will be keeping track of those motions and reading them back to us, I ask you to state the motion that's been put on the floor which is to approve per your recommendation.

Mr. Dias: Okay, the motion on the floor is to approve the construction of the Paia commercial building subject to 20 conditions. And should I – in consideration of the foregoing, the Department–?

Mr. Starr: Yeah, you don't have to read all of that because it's with all the standard and project specific conditions which you've numbered.

Mr. Dias: With 14 standard conditions and six project specific conditions.

Mr. Starr: Okay, and you have that motion – you have it noted what that said, right?

Mr. Dias: Yeah.

Mr. Starr: Okay, good. Now we have a motion and a second on the floor. And I believe there was some discussion of some additional conditions which I believe that Danny has. So if anyone wishes to offer an amendment to add those additional conditions, now would be a good time or discussion. Go for it.

Mr. Hiranaga: I make a motion to amend the motion with the three conditions regarding food service, use of the makai second floor lanai, and a possible automotive or vehicular gate on Homelani Place. You've prepared language–

Mr. Starr: Yeah, do we have a second?

Mr. U`u: Second.

Mr. Starr: Okay, so we have a motion by Commissioner Hiranaga, seconded by Commissioner U`u, and that is to add three conditions which you will now read to us.

Mr. Dias: Okay. The first new condition would be – the language I came up with is, “That rules be created by the owner or manager of the building before certificate of occupancies are issued in order to minimize noise concerns regarding the balcony at the rear of the building.”

Mr. Starr: Let him go through three and then we’ll go back.

Mr. Dias: Okay. The second is that, “That no food service establishments be allowed to occupy the building, and this condition shall remain in perpetuity.” And the third is, “That the applicant work with residents along Homelani Place with the installation of a fence if the residents so desire.”

Mr. Starr: Okay, and I’m going to ask Commissioner Hiranaga to work with him to fine tune’em. Go ahead.

Mr. Hiranaga: The first one regarding the second floor lanai, I think it should be “Rules must be created to restrict the type of uses for that area which would prohibit loitering.” I’m not sure how you’re going to write it—chairs, tables, umbrella.”

Mr. Dias: Okay.

Mr. Hiranaga: I’m not sure how you’re gonna write that up. As far as the food service, I think that’s okay, prohibit any type of food service. Regarding the gate, it’s not a fence. It’s an electronic gate.

Mr. Starr: Entry gate.

Mr. Hiranaga: If the residents of Homelani Place request a vehicular entry gate be installed that the applicant will pay for the installation of that gate.

Mr. Starr: We’re gonna take a two-minute recess while he writes it down and makes sure the applicant’s happy with it.

(A recess was then taken at 11:56 a.m. and the meeting reconvened at 11:58 a.m.)

Mr. Starr: Okay, the Chair will call on Mike to read the three additional conditions back for us.

Mr. Munekiyo: Thank you, Mr. Chair, Members of the Commission. My name is Mike Munekiyo. And perhaps if we can work with this suggestive language, and whatever refinements the Commission may have, we can certainly try to work on it. But with respect to the house rules, we suggest this, “That prior to the issuance of certificate of occupancy, the applicant shall implement house rules which shall include prohibition of loitering on the rear exit stairwell.” And that would address the noise issue.

Mr. Starr: Commissioner Hiranaga, is that satisfactory?

Mr. Hiranaga: I think it’s stairwell and lanai.

Mr. Munekiyo: Stairwell and lanai.

Mr. Hiranaga: Makai-facing.

Mr. Munekiyo: Makai-facing.

Mr. Starr: Okay, number two?

Mr. Munekiyo: Okay. Then with respect to the Homelani Street access concern, we suggest that "The applicant shall, at the request of the Homelani Street homeowners, install a highway" – "a driveway entry gate to manage ingress and egress to Homelani Place."

Mr. Starr: Members, is that okay? The third one?

Mr. Mardfin: Subject to the Homelani residents.

Mr. Munekiyo: That's correct. Oh, and as read by Danny initially, "That no food service establishments shall be allowed to occupy the building, and this condition shall remain in perpetuity."

Mr. Starr: Okay, Members, are we happy with that wording for the amendment? Okay. So these conditions have been added per an amendment and seconded. Any discussion before we vote on the amendment? Seeing none, all in favor of the proposed amendment to add three conditions, please raise your hand. Any opposed?

It was moved by Mr. Hiranaga, seconded by Mr. U`u, then

VOTED: To Add Three Conditions as Discussed.

(Assenting - K. Hiranaga, B. U`u, J. Guard, W. Mardfin, D. Domingo, W. Hedani, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Carried – seven/zippo.** Now, we're up to the main motion unless anyone has any additional amendments or discussion. Seeing none, we'll call the question on the main motion for approval with the added three conditions and all the departmental conditions. All in favor, please raise your hand. Any opposed?

It was moved by Mr. U`u, seconded by Mr. Guard, then

VOTED: To Approve the Special Management Area Use Permit, with Conditions as Amended.

(Assenting - B. U`u, J. Guard, K. Hiranaga, W. Mardfin, D. Domingo, W. Hedani, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Okay, once again, seven/zero.** Congratulations. It's a beautiful-looking project. Good luck with it. Commissioner Hedani?

Mr. Hedani: I just wanted to compliment the applicant on the presentation and on the rendition of the building that was presented because it makes it really easy for us to visualize the project.

Mr. Starr: Yeah, I second that. That was well done. Thank you. Okay, Members, it's that time. It is lunch time. We will now recess until one o'clock.

(A lunch recess was taken at 12:00 p.m. and the meeting reconvened at 1:01 p.m.)

Mr. Starr: I bring you Director Jeff Hunt.

- 3. WILLEM and MARIS VAN DER LEE requesting a zoning change from the Interim District to the R-3 Residential District for a 3-lot subdivision at 898 Pakele Street, TMK: 3-3-001: 027, Wailuku, Island of Maui. (CIZ 2007/0003) (P. Fasi)**

Mr. Hunt read the agenda item into the record.

Mr. Paul Fasi: Thank you, Mr. Director. Good afternoon. This matter arises from an application for a change in zoning filed on February 15, 2007. The applicant's requesting a change in zoning from interim to R-3 single-family to bring the property in compliance with the single-family designation in the Wailuku-Kahului Community Plan. So they're gonna switch from interim to R-3 in order to complete their subdivision process. This stemmed from a request from our Subdivision's Division that they be in compliant with the community plan. So that's what prompted this action.

There is no development proposed. It's just purely subdivision. They had a preliminary subdivision approval earlier. I don't know what the date is, but that's already been approved. And so they're waiting for a recommendation from this Body to Council. That's basically it. If you don't have any questions for the Department, I'll have the consultant do a presentation for you.

Mr. Starr: Mr. Fasi, about how long does the consultant and applicant intend to spend on the presentation?

Ms. Maria Isotov-Chang: Oh, it should be fairly quick.

Mr. Fasi: Fairly quick, Mr. Chairman.

Mr. Starr: Ten minutes max?

Ms. Isotov-Chang: (Inaudible)

Mr. Starr: Please don't speak unless you're at the mic and introduced yourself. Okay, so—

Mr. Fasi: She responded about ten minutes.

Mr. Starr: Okay, that's fine. Take it away.

Mr. Fasi: Thank you.

Mr. Starr: And please introduce yourself.

Ms. Isotov-Chang: My name is Maria Isotov-Chang and I'm representing the applicant: Maris and Van Der Lee – Willem Van Der Lee, and they're right here also. I'm gonna speak from these boards.

Mr. Starr: That's fine.

Ms. Isotov-Chang: I've put together a couple copies to share what I'm speaking on so you can– The subject project is located in Waiehu and it's off of Lower Waiehu Beach Road on the Kahului side of the Waiehu Golf Course. And it's located here on Pakele Place. And the existing zoning in – or actually the area is County zoned interim–the whole area. What I have is I have a community plan map because there was no County zoning given on the area. In 1994, the Subdivision Code required consistency in zoning. So many of the subdivisions that you see in this area were subdivided prior to 1994.

And here we go–this is the Van Der Lee parcel here. And it's located within the community plan single-family designation. And I have also provided you with an aerial photo and you can see the existing development in the area is single-family residential. The parcel there is a two-story home and a single story home. And you all can see that over here. This is the home that is in use. This home was the original Van Der Lee home when they actually purchased the property back in the '80s. They plan to repair the home. There's been – there are several homes in the area that were in disrepair that have been brought up to living standards. The home is – actually, we had an archaeologist go out to the site and it actually was built in around 1943 as opposed to 1930. The access to the parcel is particularly from Waiehu Beach Road, and then down Lower Waiehu Beach Road, and then at the wastewater pump station, there's Pakele Place. And then it's probably 200 feet from the corner. And the view plane from the driveway, the access driveway, which will also be the same location for the access easement in the existing request for subdivision, this is – the sight distance is fairly good. It's at least 200 feet.

And then we also have a view of the parcel coming in. There's two gravel roads. There's one that goes to the single story home and the other one to the two-story home. Adjacent to the existing – to the subject parcel is a former Wailuku Ag Sugar ditch. And there has – there's no running water in this ditch. It's pretty much been – I think all of the development upland has limited the flow of water into this ditch. And the property boundary for the parcel is located actually right here. I have this line. It's actually adjacent to the pool. The pool is the end of the property boundary. So from that property boundary, you have about 80 feet in the foreground and to the south of the parcel, and 120 feet in the background or the north portion of the parcel to the shoreline, to the surveyed shoreline. And then I also have here some photos of the shoreline. It's a fairly rocky shoreline. There's a little bit of sand in there, but it's mainly a rocky shoreline. And I can open it up for questions, if you have any.

Mr. Starr: Excuse me. Please address the Chair and not the Members.

Ms. Isotov-Chang: Oh, excuse me, Mr. Starr, Chair.

Mr. Starr: Okay. Thank you. Paul?

Mr. Fasi: Mr. Chair, we also have the Van Der Lees here in attendance, if you wanted to hear a little bit from them.

Mr. Starr: Okay. Do they want to make a comment? They're welcome to, if they want.

Mr. Fasi: No, not at this time.

Mr. Starr: Okay, Members may have questions for them. Members, questions? Commissioner Hedani?

Mr. Hedani: This probably is for Paul. The property line – who owns the property between the property line and the shoreline?

Mr. Fasi: That's probably the State. I'm sorry.

Ms. Isotov-Chang: (Inaudible)

Mr. Starr: Please stand up to the mic and–

Mr. Fasi: Let me have the consultant–

Ms. Isotov-Chang: This is Maria Isotov-Chang, the consultant. The property separating the Van Der Lee parcel from the shoreline area is known as TMK, Parcel 1. It's 3-3-001:001. It's owned by I believe Waiehu Beach LLC, which is . . . (inaudible) . . . property. It's around 50 acres. And the portion between the parcel and the shoreline is again – it ranges between 80 and 120 in that area.

I did also wanna mention that this subdivision arises because the Van Der Lees have two children and they would like to give one lot to each child. So the subdivision is being processed as a family subdivision. And the land will go to their children. And that's the purpose of the subdivision from which the change in zoning request is arising.

Mr. Starr: Okay, Members? Commissioner Hedani, please continue.

Mr. Hedani: Do you know what the makai property owner has planned for their property?

Mr. Starr: Can I ask the applicant to come up and introduce yourself and welcome? Relax. We're friends here.

Mr. Willem Van Der Lee: My name is Willem Van Der Lee. The property that's owned now by Paul Wenner, he is in – I think he wants to make a subdivision. He's in the process of doing that right now. But, you know, he still has to go through a lot of work in order to get that done.

Mr. Hedani: So your lot is not oceanfront property?

Mr. Van Der Lee: It's not, no.

Mr. Starr: Okay, thank you. Members, other questions for the applicant or the consultant? Okay, yeah, Commissioner Mardfin. Go ahead.

Mr. Mardfin: My understanding is you're asking to divide the property into three so they'd be subdivided into three pieces? And so they could – if the children wanted to, you're gonna give one to each child, one of the children could sell of their property to somebody else independently? Is that–?

Ms. Isotov-Chang: Sure. Anyone can sell property that they want that wants to sell property.

Mr. Mardfin: If it's divided. I mean, they could sell a third.

Ms. Isotov-Chang: Even if it's a whole parcel. It still – people have the right to sell their property.

Mr. Mardfin: That's true, but they couldn't sell off–

Ms. Isotov-Chang: The purpose is this is a local family and their family lives here. And their family needs land here and needs to be able to live and have their own home. And so this is a way that they can afford to do that. And so it's to take the land they have and make–

Mr. Mardfin: So the intent is to build another house on each of the lots?

Ms. Isotov-Chang: Well, I believe that there are – Lot 3 here has a home built on it. This is the one that's the historic home. This home will be rebuilt. This is the existing Van Der Lee home. This is the – this lot can have another home on it. They can actually have two more main homes with the square footage. I did a calculation on the – what you could build with an interim zoning and what you could build with the R-3 zoning. You are actually more restricted with the R-3 zoning than you are with the interim zoning because with the R-3, it's 10,000 square feet, and with the interim it's 7,000 square feet. So it makes a difference.

Mr. Starr: Okay, Commissioner Guard?

Mr. Guard: Oh, no, no. (Inaudible)

Mr. Starr: Oh. To clarify, how many houses are there currently on the lot?

Ms. Isotov-Chang: Two dwellings: one two-story dwelling which is with a carport underneath on the first floor, a little bit of storage area; and the second floor is all dwelling area. Then there is the historic home which is the single story home. And there's nobody living in there. It's in disrepair. It needs to be renovated.

Mr. Starr: Are there other structures on the property?

Ms. Isotov-Chang: I think there's a shed. There's one shed along the ditch side.

Mr. Starr: And after the subdivision, those two existing houses will be on two of the three lots that are created? Is that correct?

Ms. Isotov-Chang: Yes.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Where's the closest beach access to this property?

Ms. Isotov-Chang: Actually on Paul Wenner's property, there's a beach access. And that is just on the other side of the— In this area, see this large lot in here? That's the Wenner property. There's a beach access here, and it's gated, but it seems to be open during the day. And then there's another beach access at the end of Pakele Place.

Mr. Hedani: And those are open to the public?

Ms. Isotov-Chang: Which is probably about 300 feet, 350 feet.

Mr. Hedani: Those are open to the public?

Ms. Isotov-Chang: Yeah. They're accessible to the public.

Mr. Hedani: They're a dedicated beach access?

Ms. Isotov-Chang: I believe that the Wenner property is the only that's dedicated. This one I believe is a little more informal. There are a lot of these – you know, when you go along Paukukalo, there's a lot of dead-ends, and there's the beach, and people park their cars, and are accessing the beach. But again, it's the same parcel, the Wenner parcel, that they would go across to get to the shoreline area.

Mr. Hedani: Thank you.

Mr. Starr: Okay, Members?

Ms. Isotov-Chang: It's probably about a hundred feet in here.

a. Public Hearing

Mr. Starr: Okay, I will take this opportunity to open up for public testimony on this item and this item only. Any members of the public wishing to give testimony, please signify or come forward. Seeing none, the public testimony on this item is now closed. Members, one more opportunity for questions before I get us a— Go ahead, Commissioner Hiranaga.

Mr. Hiranaga: I can't seem to locate the third lot. I see the 18,000 square foot lot, the 11,000 square foot lot. I can't see the 27. Oh, it's not on this exhibit.

Ms. Isotov-Chang: That's the shoreline exhibit that you're looking at. Maria Isotov-Chang, the consultant, I can step up to the board and show Commissioner Hiranaga.

Mr. Starr: Yeah, go show us the three lots.

Mr. Hiranaga: It's not in our staff report.

Ms. Isotov-Chang: Okay. The – if you wanna step up here, it might be easier to see the lines. This is the first parcel right here. That's considered Lot 1. It's 23,104 square feet. Then there is an easement right here and that's also part of Lot 2. And the total square footage on Lot 2 after you minus the easement is 18,553 square feet. And the easement is also accessed for Lot 3, and Lot 3 is back here. It's about 35 feet from the property boundary for Lot 2 on the finished subdivision; and 15 feet from the existing home to that center boundary between the properties—42, 45, 16, 19. There's a pool right here so you can't really put anything there. And it is a two-story home here already so—

Mr. Starr: Okay, thank you.

Ms. Isotov-Chang: And, oh, there is a road-widening lot up here, Lot 4, but that's not—

Mr. Starr: Okay, Commissioner Hedani?

Mr. Hedani: Is this the ditch that you were talking about?

Ms. Isotov-Chang: Yeah, that's the ditch. That's part of Lot – Parcel 1 here, North Shore at Waiehu. It's all part of it. It's kinda hard to see 'cause it's so small, but that ditch belongs to North Shore at Waiehu. It's an old Wailuku Sugar Ag property.

Mr. Hedani: So it's outside of the property?

Ms. Isotov-Chang: Yeah, it's adjacent to our property that we're discussing.

Mr. Starr: I have a quick question. That so-called ditch, is that a – that's not a stream, an old stream, for drainage to the ocean is it? Because it seems to lead from mauka to makai. What's the history of that, sir?

Mr. Van Der Lee: I don't know the history of the stream, but the stream is there, and it runs off to the ocean if we have heavy rains. And that's about it. It's really dry.

Mr. Hiranaga: It's not a stream. It's a ditch, right?

Ms. Isotov-Chang: It is a ditch.

Mr. Van Der Lee: It's a ditch. It's called Wailuku Ditch.

Ms. Isotov-Chang: It's not on the—

Mr. Starr: Okay, yeah, Commissioner Hiranaga, did you have a--?

Mr. Hiranaga: Not for the applicant, but for the staff. I was just wondering when the community plan designated this as single-family, why was it not also rezoned since they already had the urban designation?

Mr. Fasi: I don't have an answer for you.

Mr. Starr: Okay. I just have a little bit of concern if that -- you know, if that was a stream, and it does have a listing as a stream, if that might impact building along it or not. Is there any information on that, Paul?

Mr. Fasi: Before they submit -- they are in the SMA, so they would have to submit building plans to the Planning Department. And we would definitely take that stream location into some serious consideration. And we would not allow any development that would jeopardize the structure and perhaps the flood development permits would come into play at that time. And so our zoning enforcement would insure that there's adequate space between the ditch and the proposed structure.

Mr. Starr: Okay. And I guess the SMA would be the right time to deal with that.

Mr. Fasi: Yes, sir.

Mr. Starr: Okay, thank you. Commissioner Hedani?

Mr. Hedani: I was just going to say the graphic that's displayed shows a pipe basically, underneath the roadway so it looks like a drainage system, I guess, that used to be there.

Mr. Starr: Okay. It sounds like process will be served on that at the right time. Mr. Director?

Mr. Hunt: Could I ask the applicant a question?

Mr. Starr: Yes.

Mr. Hunt: Could you explain the public access in that area again? I didn't catch it.

Ms. Isotov-Chang: Maria Isotov-Chang. Before I get to that, I just wanted to address the ditch question, if I may?

Mr. Starr: Could you answer the question?

Ms. Isotov-Chang: Sure. The beach access in the area again is all off of this same parcel which is the parcel that fronts the Van Der Lee parcel, which is TMK: 2-3-3-001:001. That's the North Shore at Waiehu parcel. It extends on this side here. It's a very large lot. And there's a beach access that's an inventory beach access, County-owned beach access. If you go further down Lower Beach Road, you access it from the roadway. That's probably about 500 feet from the intersection of Pakele Place and Lower Waiehu Beach Road. And then there's also another beach

access at the end of Pakele Place. This is an informal beach access. There's no signage of any kind on it, but it's definitely used for that purpose. And it again traverses this same parcel.

Mr. Hunt: Do you know the distance between those two beach accesses you just described?

Ms. Isotov-Chang: Well, okay, this is 500 feet. And again, there's another park, if you go further on down Lower Waiehu Beach Road. And that's with parking and bathrooms type of park, and it's right on the shoreline. So this is about 500 feet to another 500, maybe 1,500?

Mr. Hunt: Okay, thank you.

Mr. Starr: Thank you. Members, any further questions? Okay, Mr. Fasi, could you give us your recommendation?

Mr. Fasi: Thank you, Mr. Chair. The Maui Planning Department recommends that the Maui Planning Commission recommend to the Maui County Council approval of the change in zoning from interim to R-3 residential. In consideration of the foregoing, the Maui Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation documents prepared for the June 10, 2008 meeting as its finding of fact, conclusions of law, decision and order, and further authorize the Planning Director to transmit said recommendation to the Maui County Council. Thank you.

b. Action

Mr. Starr: Okay. Does anyone wish to make a motion perhaps?

Mr. Guard: So moved.

Mr. Starr: We have a motion by Commissioner Guard. We have a second by Commissioner U'u. And the motion is – what is the motion, Paul?

Mr. Fasi: The motion is to recommend to the County Council approval of the change in zoning from interim to R-3 residential.

Mr. Starr: Okay, good. So the motion is on the floor. Any comments or amendments? Seeing none, we shall call the question. All in favor, please signify by raising your hand. Any opposed?

It was moved by Mr. Guard, seconded by Mr. U'u, then

VOTED: To Recommend Approval of the Change in Zoning from Interim District to R-3 Residential District to the County Council.

(Assenting - J. Guard, B. U'u, K. Hiranaga, W. Mardfin, D. Domingo, W. Hedani, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **The motion is carried seven to zero.** And congratulations to the applicant and good luck.

Mr. Fasi: Thank you.

Mr. Starr: Okay, we're gonna take a very short recess to the call of the Chair.

(A recess was taken at 1:25 p.m. and the meeting reconvened at 1:29 p.m.)

Mr. Starr: Maui Planning Commission is back in order, and I turn it over to our trustee Director Jeff Hunt.

C. NEW BUSINESS

1. **MR. SANDY BAZ of MAUI ECONOMIC OPPORTUNITY, INC. requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment to Light Industrial for the MEO Transportation Center on 10.041 acres at TMK: 3-8-006: por. of 004, Kahului, Island of Maui. (EA 2008/0003) (CPA 2008/0001) (DBA 2008/0001)) (CIZ 2008/0001) (A. Cua) (Draft EAs distributed at the May 27, 2008 meeting. Commissioners: Please bring your copies with you.)**

The EA trigger is the Community Plan Amendment. The Maui Planning Commission is the accepting authority for the EA.

The Planning Commission is being asked to:

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

Mr. Hunt read the agenda item into the record.

Ms. Ann Cua: Mr. Chair, Members of the Commission, this application has – the applications that Jeff had described have been transmitted out to agencies for comment. We've started getting comments back from agencies, and today we're here to discuss the draft environmental assessment. At this time, I turn it over to the applicant and they're gonna take you through their power point presentation.

Mr. Starr: Okay, before the applicant proceeds, can we get a rough idea of how long the presentation will be? And perhaps they could put something under one of the legs 'cause the bus is gonna roll off and end up in the sugar mill, I think.

Ms. Cua: They're telling me about 15 minutes.

Mr. Starr: Okay. That's fine. Take it away.

Ms. Cua: Thank you.

Mr. Hart: Thank you, Mr. Chairman. My name is Chris Hart, Chris Hart and Partners. And it gives us a great deal of pleasure to be able to be here and to represent Maui MEO, Maui Economic Opportunity. Basically our project team consists of Maui Economic Opportunity Incorporated, and Mr. Sandy Baz who is the executive director is with us today. The planning and landscape architectural firm is Chris Hart and Partners, myself, Chris Hart. Brett Davis is the project planner and David Sorita is the landscape architect. The architect is Maui Architectural Group being represented Mr. Jim Niess. Our archaeological/cultural consultant is Scientific Consultant Services. No one's representing that firm at this time. Our civil engineer is Otomo Engineering, Stacy Otomo. He will be here. And our traffic engineer is Mr. Phillip Rowell of Phillip Rowell and Associates, and he is present.

The requested approvals: HRS, Chapter 343, Environmental Assessment Review; also, community plan amendment from agriculture – heavy industrial to light industrial, and that's the trigger for the Chapter 343 compliance; State land use district boundary amendment from agricultural district to urban; and a change in zoning from agricultural district to M-1 light industrial district.

This is the location map which basically shows this is Kahului Harbor. This is Puunene Avenue, and Mokulele Highway, and our project site is actually right along Old Puunene Avenue right along Mokulele Highway. And this gives you an example of the site: First Assembly of God, Old Puunene Avenue, Mokulele Highway, and the intersection of Kuihelani Highway. Another site photograph: this is actually looking at the mill. This would be the A&B Sugar Museum; and then Hansen Road, which intersects at Mokulele Highway. This shows the Old Puunene Avenue and of course the new four-lane Mokulele Highway.

Site information: the project is ten acres. It is part of the former Puunene Plantation Village. It was previously in residential development until the late 1970s, then in sugarcane cultivation for a brief period. The site was the highest rated among sites in the MEO Multi Function Transportation Center Masterplan dated 2005. The report cited some benefits as lower operational costs, good highway access, close proximity to infrastructure, compatibility with adjacent land uses, and meeting MEO's long term needs.

Site information: MEO purchased five acres at a deep discount. And A&B donated the remaining five acres. So it's a total of ten acres. Most of the site is in the State urban district. Most of the site is designated as urban under the agricultural lands in the State of Hawai'i; and the Land Study Bureau, agricultural land study bureau ratings. This gives you the State land use district boundary. This is Mokulele Highway, the intersection of Kuihelani Highway. It shows the urban district. And you'll see that just a portion of the site is in the agricultural district.

Again, this is the Wailuku-Kahului Community Plan, which actually shows the Maui Business Park Phase 2; H-1 – H, heavy industrial district, which actually is the old mill; and also the A&B Sugar Museum; and the site just shown as ag. This is a County zoning map which actually shows the project area, and essentially the zoning is generally, as far as the old zoning map is concerned, R-1 residential district. And this is Hansen Road down here.

Project status: October 2007 to January 2008, agency pre-consultation. February 2008, filed draft EA, and applications for boundary amendment and change in zoning—a consolidated application. May 2008, transmitted the draft EA and land use application to government agencies for comment. June 8, 2008, public notification of notice of draft EA in the OEQC Bulletin. That's the Office of Environmental Quality Control. June 10, 2008, Maui Planning Commission review of the draft EA. And July 8, 2008, end of the 30-day public comment period for the draft EA.

MEO transportation: in 1969, MEO began transportation service for the elderly with a used van. So that's almost 30 years ago – 40 years ago, excuse me. I'm getting old. Golly. All right. In 2007, MEO provided over 283,000 trips to service the elderly, low income persons, persons with disability, persons with medical transportation needs, preschoolers and youth. Today MEO has a fleet of over 80 vehicles and operates seven days a week. The existing MEO maintenance facility is a leased space near Kahului Harbor on Hobron Lane – Hobron Street. The baseyard is on lease, leased State land, along Kane Street near Queen Kaahumanu Shopping Center. These facilities are inadequate to meet future needs. MEO is a participant in the County's civil service defense group.

Project description: Phase 1 will be site work; also, three-story administrative office building; maintenance building; bus washing and fueling station; emergency backup generator; vehicle storage and parking areas; and landscape planting. Phase 2 will be a bus transfer station. Phase 3 will be a future three-story administrative office building.

This gives you a site plan. It gives you a breakdown of basically the phases: Mokulele Highway, basically Old Puunene Avenue, Hansen Road. The main access to the site is from Hansen Road. There'll also be an exit out of the project site and hopefully onto Old Puunene Avenue. It would be basically right-turn only. But Phase 1 will consist of this first administration building, all of these ground facilities together with the maintenance building. And then Phase 2 will be the transfer station. And Phase 3 will be a future administrative building.

Project rendering: I should actually – could you back to that one? I should indicate the amount of parking. Phase 1, there'll be 304 total parking stalls: standard stalls–165, bus stalls–37, mini van stalls–88, and van stalls–14, a total of 304.

This is our project rendering. Again, this is Mokulele Highway. You can just kinda see Old Puunene Avenue here. This would be the access from Hansen Road, the main access to the project site.

Project rendering again: this looks at the project site, and with the Puunene Sugar Mill in the background, and Mokulele Highway going off to Kihei.

This is our landscape plan. There'll be a substantial landscape planting buffer along Old Puunene Avenue, and then landscape planting within the project site.

Infrastructure: a drainage—the project will increase storm water runoff by 29.22 cfs, cubic feet per second, which will be retained in landscaped areas and/or detention basins onsite. Sewer—the project will connect to a sewer line located 580 feet north of the project site along Hookele Street, which is the area that's along the backside of – or along Maui Business Park Phase 2. Excuse me.

Water—the project will connect to an existing 8-inch line, which runs near the project site from a 12-inch waterline on Hookele Street. Traffic impacts—the project is estimated to generate 110 inbound trips and 30 outbound trips nearing the a.m. peak hour, and 40 inbound trips and 100 outbound trips during the p.m. peak hour. The traffic impact analysis report includes a 2,015 level of service analysis without and with the project for key intersections. Two accesses onto Hansen Road are proposed for the project. A left-turn storage lane from the northbound Hansen Road at the main driveway will be installed at the intersection of Hansen Road and the Old Puunene Avenue. The eastbound approach will be modified to allow right turns, busses, exiting the project. Roadway improvements related to Dairy Road: Hookele Street and Hana Highway are also planned as part of the recently approved Maui Business Park Phase 2.

Other comments: MEO is working with the State Department of Transportation to secure a landscape easement along the Old Puunene Avenue. Tree and hedge planting are proposed to soften the project's visual impact along Mokulele Highway.

Lead design features will be incorporated. The maintenance building will be – we'll incorporate a photovoltaic system and natural ventilation and lighting. Recycled water will be used at the bus wash station. Low flow fixtures will be installed. Landscape planting along the perimeter of the site will buffer the project from adjacent properties, and incorporate native plants and other species suitable for the dry and windy conditions of the site. Thank you very much. We're open for questions.

Mr. Starr: Members, questions? Commissioner Hedani?

Mr. Hedani: Chris, why was access to the site from Hansen Road as opposed to Mokulele Highway?

Mr. Hart: I think that— Let's see. Hansen Road access, should— Maybe Sandy— Sandy Baz will comment.

Mr. Sandy Baz: The State, in general, likes to – they restrict access directly from driveways onto highways. And maybe your Public Works Deputy Director might be – he's a traffic engineer, so he might be able to answer that more, but in our request to the State, they recommended access onto Hansen Road, as well as our request to use Old Puunene Avenue as a right-turn only out of the facility. So that'll be exit only. If it was up to us, it'll be easier to go on Mokulele Highway.

Mr. Starr: Okay, Commissioner Mardfin?

Mr. Mardfin: Mr. Chairman, before I ask questions, I wanna state that my wife uses the MEO services, bus services from Hana to Kahului frequently. I use it occasionally. I have spoken in the past before the Council's Budget Committee when they met in Hana in support of MEO, but I think this is sort of a minimal – I do not stand to gain anything financially, so without objection, I will not recuse myself.

Mr. Starr: I think the public stands to gain from this. And I don't think any one individually can, but thank you for disclosing.

Mr. Mardfin: Having said that, can you explain to me why there's so much parking there? That seems really high to me, but— I mean, the 304 slots and—

Mr. Baz: Correct. I don't — it's kinda hard to see the breakdown right there, but we had planned for parking for about 130 to 150 vehicles. This is a 25-year projection for MEO. And we went from, you know, one bus 40 years ago to actually almost 90 now. And we plan in the future to have quite a bit more busses and so we would need those stalls to be able to park the busses when they're not in use overnight.

Mr. Mardfin: It sounds like you'll have a really good transportation system on Maui including up to the last project we talked about earlier this morning maybe.

Mr. Baz: We're hoping to have the best transportation system not only in the State but one of the models in the country as well.

Mr. Mardfin: Good luck.

Mr. Starr: I have a quick question. What I'm seeing is it looks like we're creating the infrastructure for the entire public transportation bus system for all of Maui. We're not talking about, you know, special needs transportation. We're talking about the bus system. Am I correct in that?

Mr. Baz: In our planning processes, we would definitely want to design it to be capable of handling the complete transportation system as far as busses go for Maui County, yeah.

Mr. Starr: Commissioner Guard, did I see—?

Mr. Guard: Thank you. I guess two questions are is any of that concrete, pervious concrete? And I guess you're doing a lot of these other, I guess, Leed-type uses on the buildings, the natural ventilation. The concrete looks fairly light in color, so I'm just wondering if that's either going to be pervious concrete and/or is there any way to shade any of the interior portion of it? It looks like a lot of exposed area to heat up during the day.

Mr. Baz: I'd actually probably wanna call on our engineer, I suppose? Stacy Otomo is from Otomo Engineering and is our engineer on the project.

Mr. Otomo: Good afternoon, Chair Starr and Members of the Planning Commission. Stacy Otomo. Regarding pervious concrete, you know, for some reason on Maui it's not used on highly. And I've done some research on that and it appears that there's a lot of maintenance on the concrete. And I think a facility of this size, I'm not sure if it would be worthwhile. If you don't maintain the pavement obviously, it doesn't work.

Mr. Guard: What about the tree or shading issue? I can see with bus parking, you needed really high trees, but if that's gonna be an issue over the 25 years, that's a lot of exposed concrete.

Mr. Baz: The landscaping is designed to be more perimeter landscaping partially because trees become obstacles when you're driving busses too. Not only would they have to high, but they'd have to — yeah, our drivers tend to hit things that are in their way sometimes, very infrequently.

Just another comment on the cement as well, because of some of the maintenance facility, too, pervious would – might leach, you know, if there's any spillage or something like that too. So if there's cleanup, we can do it easier on impervious.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: It's probably not for Sandy. It's for Chris. The plan generally – well, I'm used to like commercial developments where you have one tree for every five stalls. That's a requirement. In this case is it because it's industrial or–?

Mr. Hart: No. That's something that we're gonna have to deal with because in the context of the Off-Street Parking and Loading Ordinance, the required trees – you know, the trees for required parking are prescribed in Chapter 19.36. You know, basically the intention is to try to reduce as many interior trees as possible. And that's essentially what we're, you know, we're proposing. But there will have to be some dialog with the Planning Department further on that, yeah.

Mr. Hedani: I was gonna say, you know, in viewing past projects that you've presented, the landscaping is always a very prominent portion of the development. In this particular case, the parking lot is so wide and so expansive that it would raise the temperature of the island. I was surprised that you're lacking landscaping on the interior portion.

Mr. Hart: Well, here's the – Planning Department commented in a letter dated January 31, 2008. Basically Item No. 4 talks about landscape requirements. It says the landscape requirements of one, large, crown, shade tree for every five parking stalls can be located in the front landscaped area and grouped together provided that the total number of trees are not reduced from the total number – total requirement of one shade tree per five parking stalls. So essentially what we're asking for is consideration because of the character of the vehicles and that there will be basically, a significant planting buffer. That's something that we're trying to basically get approval of along Old Puunene Avenue.

Mr. Hedani: I was gonna suggest that I guess putting the new Mokulele Highway there, it kinda leaves a triangular area between the new highway, and the old highway, and the actual property where it'll be a perfect area for landscaping or public space that would – might be able to be used by the employees or whatever as well, if you could get the State to agree to something like that.

Mr. Hart: Yeah, it could be. And in fact, we're doing some work for the Puunene Sugar Museum. And they also had some interest in that area, but there is negotiations that have to go with the State about that.

Mr. Hedani: Good luck.

Mr. Hart: Thank you.

Mr. Starr: I have a couple quickly. By using the word "Leed" which is a trademark owned by the Green Building Council, I assume that that means that you're gonna go for Leed certification?

Mr. Hart: I'd like to ask Jim Niess to come up, the architect.

Mr. Starr: Yeah, 'cause my next question is for Jim as well.

Mr. Niess: Good afternoon, Commissioner Starr and Commissioners. Jim Niess from Maui Architectural Group. I think you know the response is gonna be similar to what I gave you this morning on that other project is that we're gonna do as much of the sustainable that the project can afford, but again, the certification process is expensive. And we're going to put as much as we can into this, including that full array of photovoltaic power, and, yeah, natural ventilation, of course, and the bus maintenance facility. There's a whole list of sustainable concepts, but as far as certification goes, again, it will have to be on a funds available basis.

Mr. Starr: You know, I'm a member of Green Building Council and I've studied for Leed certification. You know, first of all, when you use a Leed name, it shouldn't be used to green wash a project, but rather it should be used for certification which is what it was intended. And second of all, it doesn't cost a penny to certify a project with Leed. It just requires that a member of the design team be accredited by Leed which could cost about \$250 bucks to buy the book, and then someone has to fly over to Oahu and take the test. So, you know, my suggestion is that someone from your design team should bite the bullets, buy the book, study the book, go over and take the test, and then fill out the forms. And then it doesn't cost you a penny. It only costs money if you have to go hire an additional consultant to do it. So I really—

Mr. Niess: That's a reasonable suggestion.

Mr. Starr: You know, do it once. It's, you know, would . . . (inaudible) . . . itself pretty quick.

Mr. Niess: On the other hand, too, you know, we really shouldn't be having to get a gold ribbon for doing the right thing. We, as practicing architects, have been doing this sustainable design for the last 50 years. It's just that things have changed a little bit, and there are new technologies that are being incorporated. However, I'll take your suggestion to heart.

Mr. Starr: Okay. Yeah, I don't want to belabor it. I want to understand what's being done to filter out the oil products and other dirt and contaminants that will come off the vehicles and busses from entering either into the ground or into sheet flow. Are you putting in collectors and filter basins?

Mr. Niess: Absolutely, it's mandated by law.

Mr. Starr: Could you describe—?

Mr. Niess: No, I don't have my mechanical engineer with me here today, but it is mandated that the water that is runoff is collected. And again, that's one of the reasons impervious pavement is – or pervious pavement is not an option here. And we collect all that water in a separator and something like a septic system that traps the contaminants, and then allows only clean water to be entered into – well, in this case, storm water runoff will either be handled under the pavement, or if we can negotiate for that triangle, perhaps a retention basin.

Mr. Starr: Okay, and then one last question is, you know, you are creating a huge expanse of parking lot here, you know, which will be – I know there's gonna a hedge, but it's still gonna be kinda visible. And I'm wondering if through smart design, and frankly, I hold you in very high

esteem for having really good talents in this area, there are inexpensive ways you can make the thing kinda look a lot cooler, you know. Maybe coloring some of the pavement, or checkerboarding it, or something. I don't know what. You know better than me. Figure out some way to make the thing look really great.

Mr. Niess: It's an interesting conundrum here. You know, in order to avoid the heat island effect, which asphalt obviously absorbs heat, you might want to put a reflective surface down, which might be concrete in this case, which is of superior surface if it can be afforded by the project. It reflects a lot of the heat back into the atmosphere; however, it's reflective, and people find that aesthetically, objectionable. So it's one of those conundrums we have to deal with, but it's a good point.

Mr. Starr: Commissioner Guard was next.

Mr. Guard: I think this is just part of the draft EA anyway, so maybe just to look at if we could maybe put in kinda like a shade refuge island like we're gonna have that for pedestrian islands trying to cross the street. Just if you're parking there, and you gotta walk all the way into the maintenance shed just to have a little refuge of shade possibly in the center. Maybe we could group a few trees together in one island that busses don't have to drive around possibly.

Mr. Niess: That's a good comment. We'll work on that.

Mr. Guard: Yeah, it's only for the draft EA.

Mr. Niess: The parking lot itself will be per code for shade trees. It's the bus storage area that we're talking about, and that's where the obstacle issue comes into play. We went over to Oahu to visit their maintenance facility there, and they have lights in the area 'cause they work on a 24/7 kind of clock. But those light standards were wrapped with red tape and reflectors. It was like – these obstacles are a real problem. And it's something that opened my eyes.

Mr. Starr: Before we go any further, I wanna ask Planner Cua. Are you getting the notes so that these – so what we're saying will serve as comments? Okay, Commission U`u?

Mr. U`u: I think part of the way to break up that massing look will be if you could use a – if you could use raised walkways and incorporate them where you would have, I guess, foot traffic, you know. I know it's a massing of parking stalls but I don't know where they would come out and go to. So if you have a way of making the walkways raised. Part of the reason is more visibility, it would be safer, and it would kinda break that look somehow. I have no idea. I'll be honest. But break that massing look especially when you're flying overhead on a plane, yeah, looking down on the massing.

Mr. Niess: That's a good point. Yeah, yeah, okay.

Mr. Starr: Commissioner Hedani, did you have one?

Mr. Hedani: Not necessarily for Jim, but – well, maybe for Jim. The question is, from Mokulele Highway, can it be screened from view because I don't – as a bus storage facility, I don't think, you

know, the views to the surrounding properties are important, but because if you have so many visitors going to and from Wailea? So it's to screen it from the highway, basically.

Mr. Niess: That's absolutely one of the project goals is to visually screen it from Mokulele. Absolutely.

Mr. Starr: One of the things I think I picked up in the presentation is that this will be a – it will have a transfer function. And I assume what that means is that people coming from say, the Kahului part of the bus system and going to Kihei will be dropped off here and get onto a different bus. And I would assume that that means that it'll also be – function as a park and ride. Say you – you live in Kahului and you work in Lahaina. Your people might drive to this park and get on a bus, and that bus will take them very efficiently up to Kaanapali. Am I correct in that? And if so, how will that function?

Mr. Niess: Not actually. This is not intended to be a park and ride, but just to understand how the system works, this is the central hub. And as you suggest, there are loops out to Haiku, Makawao, Upcountry. There's a loop to Kihei, a loop to Lahaina, a loop into Kahului-Wailuku. And they all come back. And this is a transfer point from one loop to another; however, it's not the intent that this is gonna be a park and ride situation. So if somebody were to do that, they would board the bus. And say they were going to Kahului to Lahaina, board the bus in Kahului, come to the transfer station, and then go to Lahaina.

Mr. Starr: I have to say, you know, I disagree that that's the way people's minds tend to function on Maui. I think that people will tend to drive to this, and park there, and get on the bus. And I don't really see a problem with that, but I would just like to see that as part of the plan because, I mean, that's how I would use it, you know, maybe I'm a . . . (inaudible) . . . but–

Mr. Niess: Well, maybe you're a half mass transit guy. But, I mean, this is the concept of mass transit, though, is to get you on the bus as soon as possible, and– The problem with the park and ride is now you've got a security problem. And you know, if someone doesn't return at the right time and night comes– Anyway, maybe Sandy can address this a little better.

Mr. Starr: I mean, I hope you're not gonna prohibit people from parking there. You know, it'll be like the Super Ferry where people can't – you know.

Mr. Baz: There is actually– Sandy Baz again, applicant. There is a park and ride on the corner of Kuihelani Highway and Puunene Avenue that is being utilized currently. So in theory, they could park there. They could also park – well, there's kind of a temporary park and ride over on the other side of Home Depot where the State is having their Department of Transportation trailers and things, but there is a possibility for park and rides. You know, again, I don't know about having the space available for– The parking stalls that you see are pretty much for the employees and visitors to the maintenance facility and the administrative building. There's not gonna be a whole lot of extra spaces for people to park and then catch the bus to another area.

Mr. Starr: So what I'm hearing you're gonna – are you gonna prohibit people from parking there and getting on the bus at the end of the route?

Mr. Baz: I don't think we can prohibit people. It wouldn't be— I mean, unless we had a parking guard out there, you know, tracking every car that goes in and out which isn't feasible either. I don't think we're gonna be encouraging it, but I don't we can prohibit it.

Mr. Starr: Okay, I seriously have disagreement then with this if you're not gonna create a facility for the public to be able to park there and get on the bus at the main transfer. Commissioner Guard?

Mr. Guard: It seemed like the transfer station was a Phase 2. So currently, it's not — you wouldn't get off the bus there anyway, right now, right? It's mostly for the maintenance, wash the bus, so no one's gonna be showing up there to be the first guy on the bus.

Mr. Baz: Correct.

Mr. Guard: Okay.

Mr. Baz: Yeah, right now in our existing usage, people don't come to our facility to catch the bus. We go pick them up, take them where they need to go—

Mr. Guard: So maybe the County could look at possibly a part of the Maui Business Park Phase 2 if the park and ride seemed to be a successful avenue to follow.

Mr. Baz: I have had very preliminary discussions with the Mayor on them creating an adjacent lot to this with, you know, the public transportation piece of it.

Mr. Guard: 'Cause then you have like we said, if there's 90 buses and all of a sudden you got 20 guys parked in the bus stall, the bus can't park 'til the next morning.

Mr. Baz: Yeah. One of the — actually, one of the big things that we will be restricting access to is to the bus storage lot. When we went and visited the Oahu Transit Services' facilities in Pearl City, it was very clear that the best thing to do is keep the pedestrian and car traffic separated from the bus traffic. And so, yes, we will be restricting that. And the only people that can come into the — that bus storage lot area are busses or maintenance vehicles. Yeah, that is a big issue.

Mr. Starr: Commissioner Hedani, and then Director.

Mr. Hedani: I can understand the concern about trees in the parking lot area if you combine trees with birds and bird droppings. It'll end up all over your bus. And some of the birds are just totally out of control on this island. Like if you had java finches over all of your buses, you'd have to wash'em every night.

Mr. Baz: Well, actually, we're gonna have the wash facility — the vehicles will be washed probably not every day, but maybe every couple of days depending on how dirty they get. I actually kinda like the idea of having an island of trees over there to help break up the — that's a good idea.

Mr. Hedani: Yeah, my only concern is that if the requirement is for one tree for every five stalls that it be met somewhere onsite or a combination of onsite and between the highway and the site maybe.

Mr. Starr: Director?

Mr. Hunt: I understand the parking lot's intended to accommodate 25 years? Is that correct? Is that I heard?

Mr. Baz: We're hoping, yeah.

Mr. Hunt: Being a community planner, I can appreciate looking into the future, but a lot of projects now are coming in with parking at the absolute minimum and then you phase it. And is there any way to phase the parking on this to have grass in one area, and then as the need develops, then you could pave it in the future?

Mr. Baz: Actually, our project team has had discussions about that especially, around the area where the transfer station is, and having – you know, keeping that in an undeveloped stage, you know, grass park-type facility, as well as maybe some of the end stalls near – they're kinda off the picture there where the maintenance facility is as a possibility of keeping those unpaved as well. And we even talked about having grass pavers, you know, to keep it from being cement. Yeah, we're trying to – Believe me, I know the impact of this huge facility. I know the impact of even our busses as they drive down the road and the carbon footprint that we have. And I'm trying to reduce that in every way that we can.

Mr. Hunt: If you could include that analysis in the DEA, we'd appreciate that. And also, in terms of the landscaping, it was described as screening it from the highway, and screening is somewhat of an ambiguous term. I think given the big pavement there, screening – Could the DEA discuss the alternative of screening it completely a hundred percent so you don't see it?

Mr. Baz: We've had discussions of putting like a Panax hedge. It's completely – you know, block everything, but David Sorita –

Mr. Hunt: Again, this is just an EA, so if you could just include it in the EA as one of the options or one of the alternatives.

Mr. Baz: Okay, yeah.

Mr. Hunt: And then I had a couple questions for Mr. Hart. Could you include it? I'm not sure if it's in the EA now or not, but could you include whether it's within the draft urban growth boundary on the draft Maui Island Plan?

Mr. Hart: We could definitely include that, yes.

Mr. Hunt: Thank you. And could you explain the zoning? Clarify that? It looked like you – you described it as R-1 in the map. It looked like it was ag.

Mr. Hart: Basically, these are – this is an old zoning map, so it basically does – It essentially – The zoning is ag. Is that correct? Right. But basically, the old zoning map shows it as residential. You see here? That used to be Puunene Village, but it's basically reverted back to ag. That's what the zoning map shows.

Mr. Hunt: Okay.

Mr. Hart: All right. So essentially, this is – the project area is urban and – even though it's shown as County ag. And then there's a portion of it that's still in the ag district. That's the ten acres.

Mr. Hunt: Perhaps in the EA, you could describe that zoning issue so that it's a little clearer.

Mr. Hart: Okay. All right. Well, it's basically that – you know, that's what the record shows as far as the maps. And so, you know, essentially, sure, we can do that.

Mr. Starr: Are there USTs going in here?

Mr. Hart: USTs?

Mr. Starr: Yeah, a fuel storage facility.

Mr. Hart: Oh, I'm sorry.

Mr. Baz: Yes, we will have aboveground storage tanks, not underground.

Mr. Starr: Director?

Mr. Hunt: There was some talk about lighting. Will the EA discuss minimizing the lighting impact? We don't want this to look like a prison yard or something right along the highway.

Mr. Baz: We can discuss that. We actually don't plan on too much lighting.

Mr. Starr: Yeah, Commissioner Mardfin?

Mr. Mardfin: This is really down the road, but I look forward to the day when we're not using busses powered by petroleum products, but powered by hydrogen, or battery, or some other facility. And it doesn't really have anything to do with where you site this, but I presume you guys are looking at using some other forms of – having the facilities to deal with this as the energy – the way the busses are powered changes over in the next 25 years or so.

Mr. Baz: Yes, as part of MEO's operations, we are looking at different alternative energy sources for driving our busses. And, you know, we've looked at many different areas. And one of them – you know, it's not – the technology is not quite there yet, but the – what probably will be the most efficient is electric vehicles.

Mr. Mardfin: Yeah. And this is kinda just off the wall, but I can picture getting that guy that does the whale walls in Honolulu coming out and making a whale wall on the surface of it so anybody flying into Maui will get – do his whale-watching from the air, and say, wow, I saw a whale on Maui.

Mr. Baz: Actually what the planes will see is the photovoltaic system as it's facing the south side, so we hope to be a model of alternative energy as well.

Mr. Starr: Talking about that, I understand Honolulu is running hybrid busses and saving about 30% of their fuel on them. Are you starting to buy hybrid busses?

Mr. Baz: We haven't actually started to purchase hybrid busses now. One big issue is cost. They do save— What they're utilizing the hybrids for is the big mass transit system busses, and they actually save about one mile per gallon from having the hybrid system. And the system costs about \$200,000 in addition to the \$400,000 or so that they're paying for the bus itself. We haven't really delved into the hybrid system for the type of vehicles we're using yet, but it probably will come— You know, technology is looking at it. In fact, my transportation director is in right now at the Community Transportation Association of America Expo where they're looking at different, you know, technologies and what's available. And I'm sure he'll be coming back with some suggestions to — in that arena.

Mr. Starr: How much miles per gallon do you get? And do you have any kind of passenger per — gallons per passenger mile? Any kind of figures like that?

Mr. Baz: No, I'm sorry. On average— We have many different types of vehicles all the way from cars to 15 passenger vans to wheelchair, the stubby school busses all the way to coaches and large school busses. I think our average, when we averaged out all of the amount of miles we traveled and our vehicles, it was somewhere around 12 or 13 miles a gallon whereas the big transit busses usually get about three and a half to four miles a gallon.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: Sort of in a related note, I have a friend in Kipahulu who converted his car to using diesel, basically, but he doesn't use diesel. He goes to the hotel and he gets — they call it a "French fry mobile." And he uses the French fry oil. If even a couple of busses did something like that, you might take care of both a fuel problem and the disposal problem of all the French fry oil that's used in the restaurants over in this side of the island. It's just something to think about.

Mr. Starr: Just a comment, we've been running my tractor off that for a while. Every bit of recyclable food oil on Maui is currently being converted to biodiesel. Yeah, there isn't any more, so we're doing pretty good with that. Members, we do have a full agenda. Any other comments? Quickly. Let's wrap it up. Commissioner Hedani?

Mr. Hedani: I just had a question on whether or not you folks had considered covered parking for the parking lot.

Mr. Baz: Yeah, actually we have considered covered parking. And one of our initial, you know, discussions did that, but it was millions of dollars more to create covered—

Mr. Hedani: Maybe at a future phase.

Mr. Baz: Yeah, well, you know, in all of what we're doing, you know, we are a public service providing — you know, and so we do depend on the State, the County, and the Feds, and the general public for support. So we're trying to be cost effective in developing this as well.

Mr. Starr: Okay, Members, we happy? Okay. Ann, what else can we do to help this on its way? And before we do that, I just wanna ask if there's any member of the public who wants to comment on it, and please be brief.

Mr. Stephen West: Aloha, Jonathan, Chairman. My name's Stephen West. I'm a board member of MEO. I'll make this real brief. I submitted my testimony. But I just wanted to key on a couple of things. Every little bit of additions that is put on this project is gonna basically eat away at the public service. And I just wanna caution you that MEO has just done tremendous things for this community. And if anybody's gone in to fill up your gas tank lately, you know, the price of gasoline is going through the roof. Our retirees, our youth, need this service to get them to and from the doctor's, to and from youth services. So I just strongly urge that you expedite this and get this project off the ground. Thank you very much.

Mr. Starr: Thank you. Any other members of the public? Yeah, come on up, Jason. Identify yourself and welcome.

Mr. Jason Medeiros: Aloha, everyone. My name is Jason Medeiros speaking on behalf of— MEO is a great organization. I'm sure all of you know that. Okay? And I'd like this expedited because, you know, they're actually doing something for us. You know? So kokua. Help them out. Help them help us. As far as, you know, they seem to be doing everything right. They're going green. They're really trying. And if they don't get a — what was that? A Leed certification or whatever? Hey, no big. Take the money that you was gonna spend on a Leed certification, go buy some gas, take somebody with special needs where they gotta go. I'm happy. Okay? Thanks a lot.

Mr. Starr: Okay. And thanks for coming forward. Any other members of the public would like to give comment? Not seeing any, Ann, let's wrap.

Ms. Cua: The Department has reviewed the draft EA document and finds that pursuant to the Department of Health OEQC Rules that the document does meet the requirements for a draft EA. The Department is requesting concurrence from this Commission on the draft EA and anticipate a FONSI determination with OEQC for publication. We're also requesting your comments. And if you'd like, I could — I would go over what I've heard thus far to make sure that even though they were individual comments, they are comments of this Commission.

Mr. Starr: Do we need to do that? Or can we just—? Okay.

Ms. Cua: I can just very briefly. Majority of the comments dealt with additional shade within the parking lot, mitigation measures to break the massing of the parking lot such as possibly the use of raised walkways. There was a comment to discuss the alternative of one hundred percent visual screening of the parking area from Mokulele Highway. Also, discussion of phasing of the parking lot construction to maintain a grassed area until additional parking is required. A discussion of the project's relation to the urban growth boundary identified in the Maui Island Plan. Further description of the historical land uses for the property. And further discussion of the project lighting — project related lighting and mitigative measures to reduce impacts to the surrounding area. That's what I have so far.

Mr. Starr: I know I had two more. One is Leed—to get certification. The other is park and ride to go

with the transfer capability.

Ms. Cua: Okay. Could you elaborate a little bit? I know you questioned about them using the term of Leed certification, and I believe they responded saying that while they are gonna try and incorporate some of the measures, they were not sure – they were not gonna seek the actual Leed certifications. I don't know how you want that in in terms of a comment.

Mr. Starr: The comment should be to look at the alternative of gaining Leed certification since they are using the Leed trademark, and they are going to actually do the actions that would – could be certified.

Ms. Cua: Okay, we'll make that a comment to discuss as an alternative–Leed certification, and also, just to discuss the park and ride comment. Again, I have that as a note, but I didn't put it as a comment because I thought that they said that they did look at it. So I don't know. Is that the will of this Commission?

Mr. Starr: I know it certainly is for me that since there will be a transfer – this will be the end of all the loops that they should look at the alternative of providing park and ride ability so that people can get on one of the routes from the end. Commissioner Hiranaga?

Mr. Hiranaga: Yeah, I'm not in favor of that last comment. So I'm not sure how you're gonna note that there's a split–

Ms. Cua: Well, I think that's the benefit of reading these comments back to you because these comments are your comments as a Board. And so if – as I read to you, you all say, I can live with that, I can live with that, it's incorporated as a comment. But if the Body is not supportive of a particular thing, then we ask that you communicate that to us because this is your comments. And when it's yours, we're meaning all of the Members.

Mr. Hiranaga: Yeah, I just wanted to continue on that. I'm not sure the mixture of public ridership and their vehicles with a maintenance facility is the right thing. And Hansen Road is substandard in width so I would want to try and minimize the vehicular burden being placed upon that road. So if you're gonna be inviting the public to park there in order to board the bus, you're gonna increase the traffic on Hansen Road. I'm not sure if there's any plans to bring Hansen Road to a County standard 'cause right now, it definitely is not to County standard.

Ms. Cua: The applicant did ask if as an alternative if in the EA, they could discuss the park and ride areas in the vicinity. Would that meet with the Commission's approval?

Mr. Starr: Commissioner Guard?

Mr. Guard: Yeah, I feel that that's another project in itself. I know they're talking about being a transfer station, but 99 – if they don't take over the Maui Bus, most MEO passengers, I believe, don't drive otherwise. They – I mean, I commend them. They pick up all of our kids for Hawaiian Canoe Club and get them down there. And without it, we wouldn't have that ability to have these kids from outside walking distance. And I know my grandmother's friends and other retirees that use it, but it's – they're not driving halfway and then hopping on MEO. They're getting picked up

at their homes, I believe. So I don't – I think that's a future one. Part of A&B—maybe they can get more land for a park and ride, but I think with this project, it needs to be hurried up if they're running out of space as is. And if we could remove that one, maybe the EA could discuss future options for that Phase 2, but to at least get the Phase 1 of this site going would be my preference.

Ms. Cua: Well, just to comment real quickly, the EA does discuss – I mean, part of the EA is the three phases as they went over today. And it's in the document. So if you want it discussed as a future phase, then it would be – this is the time, if that's what you're saying.

Mr. Starr: My understanding of what was presented to us is that this will be for the Maui Bus. This will be for all of the routes on Maui, and that the routes will end and start here, unless I'm wrong. I asked that specific question and I was told that this will be the—

Mr. Baz: I did— Sorry, Sandy Baz, MEO. I did mention that that's a possibility that we could take over and provide the opportunity for the whole system to be here, but currently the busses for the public transportation are at the Robert's baseyard over by the airport. And there's no public traffic to where the busses are located. And if we did— A park and ride is a whole other situation. The reason why I wanted to put a transfer station in there is only to facilitate the connection of existing routes, not to be terminus of like a bus station that you would see in other communities. It would be similar to the School Street Station on Oahu which is the Oahu Transportation Services Station. There is no parking there. Well, there's visitor parking for the buildings, but there's no park and ride there, but people are dropped off there and picked up there by the busses that are in route. It's not necessarily a terminus where you would have people park and get onto the system. Honestly, if we tried to create that in our existing facility, I don't know that it would fit or be sufficient. I would probably have to look at acquiring more land for that availability. And if that's a requirement for us to put in the transfer station, you know, that we have a park and ride to that, then I might not wanna put in that transfer station at all, but that's something that we'd have to—

Mr. Starr: It's my understanding that that's why we're doing an EA to be able to discuss anything, so I do feel strongly that that option or alternative should be in the discussion and in the document. Whether it is or not, you know, I don't – that's not to be answered or even discussed here, but whether the document should be looking at that, it probably should. Commissioner Hedani?

Mr. Hedani: I concur with Commissioner Hiranaga's comments. I agree with all of the comments that were listed except for the last two comments. The concern for like a transfer station or park and ride facilities, the park and ride facilities should probably be located at a logical point where people would normally park at the intersection of major highways like at the Maalaea Triangle, or at the intersection of Kuihelani Highway and Puunene Avenue where they already have park and ride facilities, or at the gymnasium where you can have an adequate parking area for the public to catch the commuter transportation busses. So I think that would be kind of like mixing up the goals of what they're trying to accomplish in this particular project which is basically a maintenance and storage facility for their fleet. And I think that, you know, the other comments that I heard were probably appropriate for this facility.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: Mr. Chairman, I'm just curious about the process. This is a – we're being asked to

make a determination of a FONSI following recommendations to the Department.

Mr. Starr: No. We're being asked for comments for the draft. It'll be examined and put in the final. Am I correct with this?

Ms. Cua: Right. Right. We filed the draft EA with OEQC and anticipate a FONSI. We're just getting comments from this Commission now that the applicant would need to address as part of the final environmental assessment document.

Mr. Mardfin: Then the words are "provide concurrence on the filing" of it?

Ms. Cua: Yes, that's what- Yeah.

Mr. Mardfin: So we're not discussing FONSI today, we're just giving them comments. So they've heard a lot of our comments. And whether the Commission as a whole agrees, I think they've heard some of our concerns.

Mr. Starr: Yeah, and my understanding is we don't need consensus or even vote on the comments, but the comments made should be - are included as comments, the same as if they were to come from the public as well. Director?

Mr. Hunt: Just to clarify, we normally ask for your direction on the intention to issue a FONSI. So if there's any hesitancy at this point, we're headed down that road, let us know now. You're not actually issuing the FONSI at this point. It's just again, if there's any concerns, let us know and we'll go the other direction towards the big, lengthy, environmental impact statement.

Mr. Starr: Okay, Commissioner Hedani?

Mr. Hedani: Do you need a motion at this point, Jeff? A motion for concurrence from the Commission?

Mr. Hunt: I don't think we technically need a motion.

Ms. Cua: I don't believe so. I've noted your comments.

Mr. Starr: Okay, the Chair will rule that we don't need a motion. We haven't done that in the past, but if there are - is anyone with deep concern about the underlying issues, they should state it, and I haven't heard any. Yeah, go ahead.

Mr. Giroux: Ann, can I just clarify? When you guys put this filing in with OEQC, is that on the Department's behalf or is it on the Commission's behalf?

Ms. Cua: The Department files the environmental assessment document.

Mr. Giroux: Okay, so it's not an actual-

Ms. Cua: And that's why we're asking for concurrence from this Commission.

Mr. Giroux: Yeah, it's not an official action of ours. You wouldn't need a vote.

Mr. Starr: Okay, well, let me just ask, are there any of the Members that feel that there are any major issues that should – that they see preventing it from getting a FONSI in its final form? Not seeing any, I think we can feel that there is concurrence. So with the comments that have been given by Commissioners, we'll proceed and we'll see it again as a final.

Ms. Cua: And that incorporates the additional, the last comments that we received from the other Commissioners as well. Okay, thank you.

Mr. Starr: Okay, thank you. Well done. And good luck. Congratulations. We're gonna take a ten-minute recess.

(A recess was taken at 2:32 p.m. and reconvened at 2:43 p.m.)

Mr. Starr: Okay, Maui Planning Commission meeting of June 10th is back in session. And we turn once again to the good words of our Director Jeff Hunt.

Mr. Hunt: For the sake of the audience, the next agenda item was deferred earlier this morning. It's Chris Hart and Partners on behalf of Doris Todd Memorial Christian Day School. So that has been deferred to another day.

D. COMMUNICATIONS

- 1. MR. RYAN CHURCHILL of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a Step 3 Planned Development Approval for the Kapalua 6-0 Project, 42 workforce housing units with a community center, three new light industrial buildings, improvement of the golf maintenance building and additional golf storage buildings; parking; landscaping; and other related improvements at TMK: 2-4-004:024, Kapalua, Island of Maui. (PD3 2008/0001) (J. Prutch)**

The Commission may take action on the request.

Mr. Hunt then read the agenda item into the record.

Mr. Joe Prutch: Thank you, Jeff. Good evening, Commissioners. We got a project in front of you by Maui Land and Pineapple. I got Mich Hirano and Leilani Pulmano out in the audience here. They're willing to answer any questions you have.

As you've mentioned, this project is located mauka of Lower Honoapiilani on about 6.3 acres of land in the Kapalua Resort. It's surrounded by single-family homes and the Bay Club Golf Course. It is a construction of 42 workforce housing apartment units, affordable units, with a community center and a children's play area. There's also included as you mentioned various light industrial maintenance buildings, storage buildings, for use by Maui Land and Pineapple, and landscaping

related on and offsite improvements including some of the traffic-calming devices at the intersection of Lower Honoapiilani and the access driveway from the site to the road.

Steps 1 and 2 of the planned development were approved along with the SM1 back in August of 2007. The construction drawings are in accordance with the sketch plans that were approved back in August '07. The applicant has provided, and this is all in your staff report, a revised site plan showing the location of all the buildings is Exhibit 4. The traffic-calming improvement plans, which have been approved by Public Works, that's in Exhibit 5. A phasing plan showing the timing of construction and demolition of a few of the buildings on the site, that's Exhibit 6. They've included a balance sheet showing their financial capacity to complete this project as Exhibit 7. And the elevations of all the buildings are at the last one—the Exhibit 9. A preliminary compliance report was issued by the Planning Department recently back in May of – just May of '08. A final compliance report will be required prior to certificate of occupancy for any of the units there. The applicant has submitted a timeline that you should've received after the staff report kinda going over construction timelines.

Mr. Mardfin: Is it this?

Mr. Prutch: Yes, yes, you do have it. Okay, thank you. And the last thing I'd like to say is in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for this June 10, 2008 meeting as its finding of fact, conclusion of law, and decision and order, and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission for the Kapalua 6-0 project by Maui Land and Pineapple. I'd be happy to answer any questions and the applicant, of course, may answer any questions for you as well.

Mr. Starr: Okay, Members, any questions on this project? While everyone else is thinking it over, I've got a couple. First of all, the submittal was – had stated that the project would seek Leed certification. I just want to ascertain whether that's on track and whether the preliminary has been – the checklist has been filed.

Mr. Prutch: I just talked to Leilani about that, and she said they are going for Leeds. I'll let her come up and describe it. I believe she's going for silver certification and she'll be able to give you an idea of how they're getting to that.

Mr. Starr: Good.

Ms. Leilani Pulmano: Aloha. My name is Leilani Pulmano. Yes, thank you for that question. We have applied for certification. And our intent is to go for silver rating for a new campus.

Mr. Starr: Okay. I'd like to say congratulations for going for silver. That means it's gonna be a very green and very efficient and really state-of-the-art building.

Ms. Pulmano: Thank you. Appreciate your comments.

Mr. Starr: Another question, and I know there was quite a bit of discussion on this at the earlier hearings, and that is regarding the safety issue with the termination of the driveway coming into the

curve in the road. And there were discussions regarding traffic-calming, about mirrors, sight lines, trying to move the driveway a little bit to try to open up the sight line, and creating a walkway that would allow pedestrians and especially, school children to walk continuously on a sidewalk up to a traffic-calm crosswalk that take them across to where the school bus stops, and I'm wondering how that is being complied with.

Ms. Pulmano: We have been working with the Department of Public Works, and working with them through this permit process. So we have submitted what's called a Work To Perform Permit. And right now, it's being reviewed by the various agencies for approval. So it's moving quite along pretty fast.

Mr. Starr: Does it take--? What does it take into account and how are you dealing with the safety -- the safety issues?

Ms. Pulmano: Exactly as we talked about during our SMA hearing. So there will be No Parking signs along the curve. There will be a continuous sidewalk. We'll be installing a sidewalk to the bus stop as you had just said earlier. And we are providing a speed hump on the north side of that coming down to the south of the intersection. So we have incorporated all of the items you had discussed in the SMA hearing.

Mr. Starr: Okay. Thank you. Members, any -- any further questions? Commissioner Hedani?

Mr. Hedani: I move for approval of the Step 3 Planned Development application as recommended on page 5.

Mr. Starr: Excuse me, Commissioner Hedani, I just wanna see if there's members of the public that wanna give us testimony first. Anyone? Steve, introduce thine self.

Mr. Stephen West: Just real quick. I haven't submitted testimony, but I just heard this was on the agenda. So I think we all know how desperately we need affordable housing. And I just strongly support, and once again, my name is Stephen West. I'm speaking as a member of the community, not on behalf of any organization that I'm affiliated with, just so that's clear. Okay.

Mr. Starr: Okay. Thanks. Any other members of the public? Seeing none, public testimony is closed. Take it away, Commissioner Hedani. Sorry to interrupt.

Mr. Hedani: Moved to approve as recommended by the Department on page 5.

Mr. Starr: Do we have a second?

Mr. Guard: Second.

Mr. Starr: Okay, we have a motion by Commissioner Hedani, seconded by Commissioner Guard. And, Joe, please read the gist of the motion.

Mr. Prutch: Yeah, I'll go ahead with this. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and

recommendation prepared for the June 10, 2008 meeting as its finding of fact, conclusion of law, and decision and order, and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Mr. Starr: Okay, that's consistent with the motion. Any comments, amendments, whatever? Commissioner Mardfin?

Mr. Mardfin: I just wanna understand the process. I see on there timeline. They have Planning Commission meeting for a hearing for today. And I don't see anything else where the Planning Commission comes in. Is this our last whack at the project?

Mr. Starr: I believe this is it. Shall we go and visit— Our friend's living there. Joe? Director?

Mr. Hunt: For Mr. Mardfin's use, the process is kind of a two-step process even though there's three. Usually Step 1 and 2 are done at the same time and that's a conceptual site planning. Once they get the okay from the Commission, that's kinda the okay to go and do the construction drawings. We look at those construction drawings to make sure they're consistent with what was approved at the Step 2. And so that's all we're doing today is approving those construction drawings.

Mr. Prutch: And if I could add? You mentioned the Planning Commission seeing it again. It does not come to the Planning Commission. The one last step that does come forward comes to the Planning Department and that's the final compliance report. When they're done with everything, it's our job as the Planning Department to review and make sure all the conditions are satisfied, everything was built to – as approved, and then we sign off on the final compliance report, and that's when they get their certificate of occupancy and can move on with moving the people in.

Mr. Starr: But we won't see it again unless there's some real bad problem.

Mr. Prutch: Yes.

Mr. Mardfin: Okay, thank you.

Mr. Starr: Okay, Members? Okay, all in favor of the motion as presented, please raise your hand. Any opposed?

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

VOTED: To Approve as Recommended the Step 3 Planned Development Approval.

(Assenting - W. Hedani, J. Guard, K. Hiranaga, B. U'u W. Mardfin, D. Domingo, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Seeing none, it passes seven to nothing.** Congratulations. Build a great project. I

know you are doing so. Okay, our next item is Corp. Counsel James Giroux standing in for John Van Dyke. Wasn't he in the *Music Man*? That was his brother, Dick.

2. Corporation Counsel's discussion on Professor John Van Dyke's Memorandum on the Sunshine Law, Chapter 92, Hawaii Revised Statutes (J. Giroux) (Deferred from the May 27, 2008 meeting)

Mr. Giroux: Thank you, Chair. Well, anyway, I – we did a pretty comprehensive discussion about the Sunshine Law when I did the orientation. It's just that it came to my attention that there was a lawsuit, *Smith v. Arakawa*, that required us to actually hand out Professor Van Dyke's little treatise on the Sunshine Law. When I did the overview, I basically did it through the OIP's actual handout which is 99% the same. So what I wanted to do is make sure that we just got this on the agenda so we would be in compliance with the terms of the settlement of that lawsuit. And it is a helpful handout. And you can read through it. And it defines what a meeting is. It defines what your permitted actions are. And it goes into pretty in-depth about the agenda, and the importance of your agendas, and keeping on track with your agenda. And it also goes into executive sessions: what's allowed, what's not allowed. And finally, it ends in discussion about the minutes that the minutes should be kept and be available to the public within 30 days. So it's a good handout. I think for you Members who have been on the Board for more than a year, I think we've pretty much hit every possible scenario that we can come up with. Knock on wood. But I gotta say you guys are probably becoming experts in the Sunshine Law very rapidly. But it is a constantly challenging area of law, and that makes my job exciting. So anyway, here's what I look at when things hit the fan. I'll go back to things like this and try to, you know, glean what the answers are, and advise you accordingly. So just to let you know you've got another piece of valuable information from your counsel.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Jim, can we make this a part of the regular orientation packet that the new Commissioners get? Include it in the binders?

Mr. Giroux: Yeah, it should be. And then that's what I'm asking you to do is to include this in your orientation. And next year, it actually will be part of the handouts.

Mr. Starr: Okay. Thank you. It's a really good read. It's – I actually learned some new stuff from that document and I encourage people to read it. I had gone to the Planning Conference in Las Vegas and sat through three half-day sessions on ethics and Sunshine Law stuff there and, you know, I made a lot of notes, which I'm not gonna burden anyone with now, but I did come back with ethics – the ethics code for – about half a dozen jurisdictions, which were interesting because they were all different stuff. I don't know if anyone has any interest in seeing that stuff. If you do, let me know, and I'll copy'em because there's some interesting stuff there, you know. And one of the themes certainly is that if there's anything you're ever in doubt about, just disclose it. Just say it at a meeting and then, you know, you're really kinda makes you safe and takes you from having to worry about, but you only really need to recuse yourself if you have financial benefit from something, but if there's something that's not to that point, but you just have concern, just disclose it. And I know that's one of the themes. And I know that Commissioner Mardfin had something in this area regarding Sunshine and ethics and stuff that he wanted to bring up. So I give you Ward

Mardfin.

Mr. Mardfin: I just wanted to raise this with the Commission. It's something that bothers me. I didn't – we didn't get any today, but over the last several meetings, I've gotten stuff in the mail like this: "Dowling Awards Kahale O Keola Homeless Resource Center \$25,000 Grant"; "Dowling Foundation Grants \$15,000 to Hui Malama Learning Center." And I personally don't wanna get these things. It's Dowling trying to tell us what great people they are. Why are they telling us? Well, presumably to influence us for the future. And I don't wanna know what they give to. This one from Hui Malama actually concerns me because they hire me. I work for them two hours a week as a GED teacher for Hana. Now, for \$40 a week, it's not gonna buy a vote, but I don't wanna know about this. This is something that is intended to influence me and I resent them trying to influence me that way. I wanna be – vote on projects, not on how good a community partner they are.

The second thing, and it's somewhat related, is this invitation from Ritz Carlton to stay at their place. And I think we passed something about them, and who knows whether we'll pass something in the future about them. But I don't like getting things like this where they're trying to give me something: a stay at their newly renovated guest rooms or not. I just think it's inappropriate for us to get this stuff.

And I guess the third thing that – we're gonna be at the Grand Wailea in September. And I don't intend to go home Tuesday night and come out Wednesday. So I was looking for a place to stay on the other side. I called Maui Lu and I'm gonna stay there. They don't – we passed something about them a while back, but I didn't mention it all when I made my reservations. I just made my reservations, but I'm concerned. First, I'm gonna write to this thing with Dowling that I don't wanna hear from them in the future. And, you know, this thing from Ritz Carlton, I don't know – I presume it's not a regular thing, so there's no point in really writing them, but I just turned those things down.

Mr. Starr: Commissioner U`u?

Mr. U`u: I just wanna state that if you don't like it, don't read it. I mean, throw it away. It's to you. And I'm just saying if you see it and it's from the same person—in the trash can. And that way you don't get influenced by it. That's one way to do it.

Mr. Mardfin: I wanna have them remove my name from their mailing list actually, 'cause they're sending it to me as a Maui Planning Commission Member. It's not like they're sending it to everybody in the County this information.

Mr. Starr: Director?

Mr. Hunt: Our general policy is if somebody sends us information to the Planning Commission, we're uncomfortable with making a cut or a filter, 'cause then where do we draw that line? And so we just send it to you, and as Commissioner U`u said, if you don't like it, throw it out, or you can contact them individually, and say please don't send me anything else, but I just wanna make it clear what our policy is so you folks can anticipate what's gonna be coming to you. We get general advertisements or whatever, and we don't send those to you. We do filter those. But if it's something specifically addressed to the Planning Commission, we feel obligated to send it to you, and then you guys can do with it what you want.

Mr. Starr: I know I don't feel that there should be, you know, censorship or, you know, and there are Freedom of Speech issues involved that if someone wants to contact us and even, you know, make an offer or something, we can't stop them from doing it, but I think that all of us are, you know, respected and honorable people. And I trust that none of us will do anything that's not to the highest standards. And if we ever feel uncomfortable about something, we'll disclose it. I don't think there's any way of forcing people not to send us something, but, you know, I know I would for one would feel a little – would feel very uncomfortable for taking from someone who's before us. Anything else? Okay, moving right along, we have a Director's Report. And for the Director's Report, I give us our Director. Did I miss the minutes?

E. MINUTES AND ACTION MINUTES OF THE APRIL 8, 2008 MEETING

Mr. Hunt: I believe we have to approve the minutes of April 8th, 2008.

Mr. Starr: Okay, I missed that. Okay. Minutes and action minutes of April 8th meeting, do we have any comments or a motion? Commissioner Hedani?

Mr. Hedani: Move to approve as circulated.

Mr. Starr: Any second?

Mr. U`u: Second.

Mr. Starr: Moved by Commissioner Hedani, seconded by Commissioner U`u to approve as circulated the minutes and action minutes of April 8th. All those in favor, please raise your hand. All those opposed, please raise your hand.

It was moved by Mr. Hedani, seconded by Mr. U`u, then

VOTED: To Approve the Minutes as Circulated.

**(Assenting - W. Hedani, B. U`u, K. Hiranaga, J. Guard,
W. Mardfin, D. Domingo, J. Starr)**

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Seven to zero—minutes are approved.** Moving on to Item F, Director's Report. Take it away, Jeff.

F. DIRECTOR'S REPORT

1. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's of his intent to issue a time extension on the following requests:

a. SUNSTONE KEOKEA, LLC requesting a 2-year Special Management Area Use Permit time extension on the period to initiate construction

of the Liloa Village Subdivision at TMK: 3-9-002: 116, 150, and 151, Kihei, Island of Maui. (SM1 2004/0010) (L. Callentine)

The Commission shall acknowledge receipt of the request. The Commission may review the permit time extension request or waive review of the request. (Deferred from the May 27, 2008 meeting)

Mr. Hunt: The next two items involve notifying the Commission pursuant to your recent rule amendments of the intent to issue a time extension on the following requests. And the first one is Sunstone Keokea, LLC requesting a 2-year Special Management Area Use Permit time extension on the period to initiate construction of the Liloa Village Subdivision, TMK: 3-9-002: 116, 150, and 151 in Kihei. The file number is SM1 2004/0010. The Staff Planner is Livit Callentine and she is here if you have any questions. The intent of this process was to abbreviate and streamline the permitting of certain types of applications specifically, these time extensions. And I understood the process that we finally all agreed on was that it we'll bring these to your attention. And if you wanna call them up and review them, you will, but if you don't want to, they simply stand as the Department has recommended.

Mr. Starr: Members? I do have a quick comment on this one item. And while I do want to see that it remain in the purview of the Director and staff, I just wanna be sure that in doing that, they'll take into account the wishes of the Parks Department because I know there were some concerns about the park's issue on this project and the desire perhaps to get improvement on the County park that's being built. And I don't know the details, but I just wanna be sure that there is discussion with the Parks Department when the Director takes it – takes up the issue.

Mr. Hunt: And that's regarding Liloa Village?

Mr. Starr: Yeah.

Mr. Hunt: Livit, do you have a comment on that?

Mr. Starr: Yeah, I don't really wanna hear the issue. I just wanna be sure that–

Ms. Livit Callentine: Let me just clarify or request clarification actually, Mr. Chair. This has already been approved. The SMA permit has already been approved. So this is a time extension of all the conditions that have been established. So – and there was a settlement agreement entered into between Parks Department and the developer. And that – so that is now a moot issue, it seems to me. It's a moot point because they have – the applicant has met all of the conditions or will meet the conditions that have been established in the SMA permit. I will just say that my understanding is that the applicant is working on an amendment to the site plan, and intends to submit an amendment request at a later date. So this is actually a time extension to allow them to complete their amendment request in part.

Mr. Starr: Okay, so – and will that come back to us then?

Ms. Callentine: Yes, the amendment will come back to you.

Mr. Starr: Okay, I just hope at that time that the park's issue can be dealt with.

Ms. Callentine: I'll note that.

Mr. Starr: Okay, Members, I don't – I don't think we need to – we need action. I think if we don't take any action, then it remains the purview of the Director. So I don't think we need action unless we want to take it from the Director and have a hearing. Am I correct with that?

Mr. Hunt: I would suggest we – and this is new. So we can modify it as we go, but I would suggest that the Director offer, unless there's objections, we will issue this time extension. Hearing no objections?

Mr. Giroux: We're gonna, I guess, take a motion and acknowledge receipt of it.

Mr. Starr: Okay, so – and my preference would be not to do that, but for the Director to look at it and decide if it's warranted because we don't have – we don't have before us a decision to make the decision on whether to issue a time extension. We have before us the information to decide whether we can leave it in the hands of the Director.

Mr. Hunt: As I understand it, your decision is either to leave it in our hands, or to call it up, and we would bring it back to you at another time.

Mr. Starr: Yes, I don't wanna be voting on offering them a time extension. I wanna be – if we're gonna vote, I'd prefer to vote on leaving it in the hands of the Director who I trust completely with this. Commissioner Mardfin?

Mr. Mardfin: I'd like to make the motion that we acknowledge receipt of the request.

Mr. Hedani: Second.

Mr. Starr: Okay, any discussion? Okay, all in favor, raise your hand. All opposed?

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

VOTED: To acknowledge receipt of the request.

**(Assenting - W. Mardfin, W. Hedani, K. Hiranaga, D. B. U'u,
J. Guard, D. Domingo, J. Starr)**

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Seven to nothing—we have acknowledged it and it will remain in the hands of the Director.** Now, the second, 1-B.

- b. BETSILL BROTHERS CONSTRUCTION, INC. requesting a 2-year Special Use Permit time extension on the period to complete construction of the Kalama Heights Phase II project, a 36-unit senior**

multi-family residential project with related on and offsite infrastructure improvements at 101 Kanani Road, Kihei, Island of Maui. (SM1 970012) (P. Fasi)

The Commission shall acknowledge receipt of the request. The Commission may review the permit time extension request or waive review of the request. (Deferred from the May 27, 2008 meeting)

Mr. Hunt read the agenda item into the record.

Mr. Hunt: And the Project Planner is not here, but I can substitute in his behalf. The file number is SM1 970012.

Mr. Starr: Okay, Members? Commissioner Hedani?

Mr. Hedani: Move to acknowledge receipt of the request.

Mr. Guard: Second.

Mr. Starr: Okay, moved by Commissioner Hedani, seconded by Commissioner Guard to acknowledge receipt of the request. And I believe that Corp. Counsel has an amendment.

Mr. Giroux: Chair, I just turned to the rule and it does say that the Commission, after receiving notice, you can waive review of the request. So I would have that added into the motion. Just—

Mr. Hedani: I'd like to restate my motion. You can set up the second to acknowledge receipt of the request and waive review of the request.

Mr. Starr: So the motion that's been made by Commissioner Hedani and seconded by Commissioner Guard is to waive review of the request. Commissioner Mardfin?

Mr. Mardfin: I – on the previous one we had—

Mr. Starr: No, we'll get back to that. I'm sorry, go ahead, but I—

Mr. Mardfin: On the previous one, we asked the reason for the request of time delay. I'd like – for this project, I'd like to ask what the reason for the time delay.

Mr. Starr: Okay, under discussion, we have a question asking for the reason for the time delay.

Mr. Guard: The same—I was just gonna give – show'em exactly where it said the delay.

Mr. Starr: Oh, okay. Go ahead.

Mr. Hunt: The Project Planner included an exhibit with you, and apparently, they are still waiting on their building plans to be reviewed. They need two more approvals from the Department of Water and DSA Engineering.

Mr. Mardfin: So it's a bureaucratic hangup, basically? It's beyond their—

Mr. Hunt: I wouldn't say that.

Mr. Mardfin: It's a delay caused by something not under their control.

Mr. Hunt: It sounds that way to me.

Mr. Starr: Okay, Commissioner Guard?

Mr. Guard: I was just gonna reference where that was stated.

Mr. Starr: Okay. Anyway, a motion on the floor, seconded. All in favor, please raise thine hand.
All opposed?

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

VOTED: To acknowledge receipt of the request and waive review of the request.

(Assenting - W. Hedani, J. Guard, K. Hiranaga, B. U'u

W. Mardfin, D. Domingo, J. Starr)

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Okay, motion carries seven to nothing.** I think that we could reconsider the first motion or if it's – or if there is consensus with the maker and the second, we could just go back and just revisit it. Actually, who seconded that action? J. V. and Commissioner Hedani, you guys want to—

Mr. Mardfin: I made the motion for the one previous. I was the one that made the motion.

Mr. Starr: Oh, okay, sorry. So that motion is being restated as—? What does it say?

Mr. Giroux: To add the words “to waive review of the request.”

Mr. Mardfin: Does it take a new motion?

Mr. Starr: I'm just gonna call the question on it.

Mr. Mardfin: I – what I – had we not already approved it, I would've added the words “to waive review of the request by the Maui—,” “waive the review by the Maui Planning Commission of the request.”

Mr. Starr: Okay, so, you know, we'll take – yeah – no, let me – let's take that as a new motion that – on the first item that we will—

Mr. Mardfin: For the Sunstone Keokea request for a two-year special management area permit time

extension that we have already acknowledged receipt, I would like to make a motion that we waive review by the Maui Planning Commission of the request.

Mr. Starr: Okay, and the second to that.

Mr. Guard: Second.

Mr. Starr: Moved by Commissioner Mardfin, seconded by Commissioner Guard that we waive review of the request on the Sunstone. Seeing no discussion, all in favor, please raise your hand. All opposed, raise your hand.

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

VOTED: To add in addition to acknowledging receipt of the request, “to waive review by the Maui Planning Commission of the request.”

**(Assenting - W. Mardfin, J. Guard, K. Hiranaga, B. U’u,
D. Domingo, W. Hedani, J. Starr)**

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Seven to nothing—the motion carries.** And so we’ve dealt with those two. And Item F-2, Mr. Director?

Mr. Hunt: Just going back to those first two – those last two items, we’ll clean up the process. This is the first go around and we’ll get it down better.

- 2. Planning Director requesting that the Hana Advisory Committee be allowed to comment on the proposed Service Business District (SBR) District Bill as several SBR designated properties in the community plan are located in Hana Town. The public hearing by the Maui Planning Commission is scheduled for June 24, 2008.**

Mr. Hunt read the agenda item into the record.

Mr. Hunt: However, I should advise you we’ve tried to get quorum for the Advisory Committee to review this and it doesn’t look like we’re gonna get it. So we’ll ask them for individual comments or something like that, but it looks like at this point, it’s just not gonna work out by the 24th. We would like to move it along.

Mr. Starr: Commissioner Mardfin?

Mr. Mardfin: Is this the one on the definition of home occupations?

Mr. Hunt: No.

Mr. Mardfin: That’s a different one.

Mr. Hunt: That one already has been reviewed by Hana and been forwarded to Council.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Jeff, why is the Hana Advisory Committee having problems with their quorum?

Mr. Hunt: I don't know for – specifically. Our outlying Commissions tend to have more problems. Lana'i and Moloka'i also have problems.

Mr. Hedani: But it's fully staffed, right now?

Mr. Hunt: I believe it is.

Mr. Starr: I served on that. It's a tradition. My feeling is that we might wanna, you know, give them to the hearing to put comments in, and if not as a Body, then we can accept them ad hoc from Members if they wanna give them to us. And the Director can do his best to gain a–

Mr. U`u: Agreed.

Mr. Starr: Okay, Commissioner Hedani?

Mr. Hedani: What I would suggest is just making it open for any Members of the Advisory Committee that would like to provide us with comments to just provide us with their comments.

Mr. Hunt: Okay, we'll send out an invite to them to provide comments even though it's not going to them as a Body.

Mr. Hedani: Right.

Mr. Starr: You might wanna make a motion to that.

Mr. Hedani: I so move.

Mr. Starr: Okay, we have a second?

Mr. U`u: Second.

Mr. Starr: Okay, moved by Commissioner Hedani, seconded by Commissioner U`u that if quorum cannot be reached for the Hana Advisory Committee that the Director contact them and ask that if they wanna give comments individually, the Members can do so and we'll take those into consideration. Has someone written that down 'cause I've already forgotten it?

Mr. Hunt: This isn't – well, correct me if I'm wrong, James, but this isn't an actual decision. So I think all we need some kind of direction from you folks that we will send an invitation to the Advisory Committee asking for their individual comments, if we can't get quorum.

Mr. Starr: Okay, we don't need action on it then. I think you have the idea.

Mr. Giroux: Jeff, just to clarify, on the resolution that sent it down, did it specifically say Hana Advisory Committee, or is this one of the decisions that we're making to defer or get additional comments from Hana? 'Cause I know one of the resolutions came down and it specifically said Hana. And that kind of threw a loop for us because I don't think we were comfortable taking action without getting actual Hana's decision on it. Can you double check on that or--?

Mr. Hunt: Let me double check on that. That's a good point. If the resolution to Council has strong wording, then maybe we should revisit this.

Mr. Starr: I know -- my memory is we did act on it, and I think we did have a motion here. So maybe we should deal with the motion here. So why don't we--? The motion still is on the floor. Why don't we vote on that motion, and then at least there's some basis? Okay. So seeing no more comments, all in favor of the motion as stated and, Jeff, have you gotten it written down?

Mr. Hunt: The motion would be to individually offer comments to the Hana Advisory Committee if a quorum cannot be reached regarding the SBR District Bill. At the same time, we need to see if the resolution from Council had strong language requiring Hana Advisory--

Mr. Starr: That's not part of the motion, though.

Mr. Hunt: No.

Mr. Starr: Okay, all in favor, please raise your hand. Any opposed, please raise your hand. Seeing none.

It was moved by Mr. Hedani, seconded by Mr. U'u, then

VOTED: If a quorum cannot be reached of the Hana Advisory Committee for a meeting, to invite comments from its members individually.

**(Assenting - W. Hedani, B. U'u, K. Hiranaga, J. Guard,
W. Mardfin, D. Domingo, J. Starr)**

(Excused - W. Iaconetti)

(Absent - J. Pawsat)

Mr. Starr: **Seven to nothing--motion passes unanimously.**

Mr. Mardfin: Mr. Chairman?

Mr. Starr: Yeah?

Mr. Mardfin: The Director informed me that this didn't deal with Home Occupations, but I remember we referred Home Occupations to the Hana Advisory Committee. And we didn't make any input on that because we were gonna wait for their input before we voted on it, but I remember we had some concerns, this Body, about the home occupation's bill regarding size of what you could do and some other issues. Are we going to--?

Mr. Starr: It's not on the agenda. That's why I'm kind of hesitating to discuss it.

Mr. Hunt: We can add it to an agenda item—the status of the Home Occupation Bill.

Mr. Mardfin: Yeah. And I would kind of urge that— The same thing, if they can't meet – they were supposed to meet on that and they never did. And if they want to put – provide input, I think— We were waiting on input from them before we made our decision, but if they're not gonna supply it, then we should have—

Mr. Starr: Yeah, let's discuss it when it's on the agenda. So that'll be on a future agenda.

3. Registration for 2008 HCPO Conference - Sept. 10-12, Grand Wailea Hotel. (Deferred from the May 27, 2008 meeting)

Mr. Starr: HCPO, submit your application and especially, your sight inspections. You know, if you snooze, you lose. They're filling up fast. Okay. We have— What? Yeah, rides on the windmill. If we don't behave, they're gonna strap us to the blade. Okay, Director, any of these other Director's Report items that you wish to— We are on the Director's Report so—

4. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the May 13, 2008 meeting (Deferred from the May 27, 2008 meeting)

5. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the May 27, 2008 meeting.

Mr. Hunt: I didn't have any follow up on any. If there's specific things that aren't being followed up by staff, let me know and I'll try and get those to you.

6. Planning Commission Projects/Issues

Mr. Starr: Okay, anyone have anything on Planning Commission projects or issues? Anything on—? Yes, story poles, story poles. Yes, story poles and signage—those are two issues that we've discussed numerous times. So we're gonna look for the Director to come back to us on how we can implement those.

Mr. Hunt: Okay. Also, there was discussion with the Chair recently about providing you folks information on coming agendas. And here's a handout describing the next public hearing.

Mr. Starr: Okay, and I wanna thank the Director for doing that.

Mr. U'u: The next Commission meeting?

Mr. Hunt: Yes, the 24th. When we hand this out to you, we caution you to be very careful not to make any conclusionary remarks about these projects.

Mr. Starr: Yeah, and it is tentative.

Mr. Mardfin: Oh, like right now?

Mr. Hunt: Yeah, this is not for discussion. This is just here's what's coming.

Mr. Starr; Yeah, and it is tentative. In other words, things may drop off and other stuff may be put on, but— Okay, anyway, moving right along.

7. **EA/EIS Report (Deferred from the May 27, 2008 meeting)
EA/EIS Report**
8. **SMA Minor Permit Report (Deferred from the May 27, 2008 meeting)
SMA Minor Permit Report**
9. **SMA Exemptions Report (Deferred from the May 27, 2008 meeting)
SMA Exemptions Report**

Mr. Starr: This guy here, anyone have any questions, comments, or other words on the reports for projects, EISes, etc.? Seeing none, our next regular meeting date. I never thought we'd finish this agenda today. Amazing. Praise the Lord.

G. NEXT REGULAR MEETING DATE: June 24, 2008

Mr. Starr: June 24, 2008, this is what'll— Oh, hold on. Yeah, okay, this is probably what'll be on the agenda. To all of you, drive safe, have fun, don't do anything I wouldn't do.

Mr. Hunt: We'd like to ask the Commission, is there anyone who's not gonna be here on the 24th?

Mr. U`u: The following week?

Mr. Hunt: Yeah, the next meeting.

Mr. U`u: That might be me. I going have to double check. I not guaranteed as of yet, but I supposed to be on Oahu.

Mr. Hunt: But it looks like at this point, we have quorum.

Mr. Starr: Okay, Commissioner Hedani?

Mr. Hedani: I will be fishing in . . . (inaudible) . . .

Mr. Starr: Sounds like fun.

Mr. Mardfin: I noticed you said "fishing," not "catching."

Mr. Starr: Is Dr. Iaconetti gonna be there? Okay, if anyone else is gonna miss, please let Director know. Mr. Starr: Okay, 'til next time. Good meeting. Thank you.

H. ADJOURNMENT

The meeting was adjourned at 3:25 p.m.

Submitted by,

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

RECORD OF ATTENDANCE

Present

Jonathan Starr, Chairperson
John Guard IV, Vice Chairperson
Kent Hiranaga
Bruce U'u
Ward Mardfin
Donna Domingo
Wayne Hedani

Excused

William Iaconetti

Absent

Joan Pawsat

Others

Jeff Hunt, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works