

MAUI PLANNING COMMISSION

COUNTY OF MAUI

JULY 8, 2008

APPROVED

8/26/08
Date

ORIGINAL

REGULAR MEETING

Held at the Department of Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku Maui, Hawaii, commencing at 8:30 a.m. on July 8, 2008.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

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ATTENDANCE

MAUI PLANNING COMMISSION

REGULAR MEETING

JULY 8, 2008

CHAIRMAN:	JONATHAN STARR
VICE CHAIRMAN:	JOHN GUARD IV
COMMISSION MEMBERS:	WILLIAM IACONETTI
	WAYNE HEDANI
	KENT HIRANAGA
	JOAN PAWSAT
	WARD MARDFIN
PLANNING DIRECTOR:	JEFFREY HUNT
DEPUTY CORPORATION COUNSEL:	JAMES GIROUX
PUBLIC WORKS STAFF:	PAUL FASI
	ROBIN LOUDERMILK
SECRETARY:	KAROLYN TAKAYAMA-CORDEN

1 MAUI PLANNING COMMISSION

2 REGULAR MEETING

3 JULY 8, 2008

4 TRANSCRIPT OF PROCEEDINGS

5

6 CHAIRMAN STARR: Good morning. Welcome. This is
7 the Maui Planning Commission. It is July 8th. I'd like to
8 introduce the Commissioners, starting with Commissioner Kent
9 Hiranaga, Commissioner Ward Mardfin, this is Honorable
10 Corporation Counsel James Giroux, very honorable. I'm
11 Jonathan Starr, Chair. This is Planning Director Jeff Hunt,
12 Commissioner Dr. Iaconetti, William Iaconetti, Commissioner
13 Joan Pawsat, and Commissioner Wayne Hedani. Also many other
14 members of our planning staff are here, including our
15 secretary for the Commission, Karolyn Takayama-Corden.

16 And we have a full agenda. We will be inviting
17 members of the public to testify before us. They will have
18 two opportunities to testify today. We will be taking
19 testimony before the meeting, the individual items start.
20 People can testify on any item on the agenda at that time,
21 or they can wait until the individual item is called and
22 then testify.

23 We ask people not to testify twice on the same
24 item unless they have really earth shattering change of
25 information. Also, we ask people to keep their testimony as

1 short as possible and inside of three minutes. And
2 certainly it looks like we have a lot of testimony today, so
3 we'd ask people to keep it as short as possible so we can
4 get through the items and the agenda.

5 Anyway, I welcome everyone, and thank you for
6 joining us. I would like to open public testimony on any
7 item on the agenda for members of the public. And once
8 again, please try to keep testimony as short as possible,
9 and we will be giving you notice if you do reach three
10 minutes.

11 The first member of the public to testify will be
12 May Fujiwara. Would you like to testify at this time?

13 MS. FUJIWARA: Yes.

14 CHAIRMAN STARR: Please come forward and tell us
15 your name for the record, and welcome.

16 MS. FUJIWARA: Good morning Chairperson Starr, and
17 Planning Director Hunt, and members of the Planning
18 Commission. My name is May Fujiwara. I am a senior citizen
19 and a resident of West Maui. I'm urging you to grant
20 approval for the SMA permit request by the Maui Swap Meet to
21 move the swap meet to the Maui Community College.

22 The new location is a larger site, and will
23 provide more parking for the many people who attend the swap
24 meet. The spacious parking area with considerably more
25 handicapped parking spaces and planned paved walkways will

1 provide safer and better assessability for our senior
2 citizens and physically challenged individuals. Also, for
3 those seniors who do not drive, a drop-off and pick-up point
4 for MEO buses will be provided.

5 The swap meet is important to our senior
6 population, most of whom are on fixed incomes, as we can
7 purchase fresh fruits and vegetables and other items at
8 considerable savings. Also, please note that many of the
9 vendors are senior citizens who are trying to supplement
10 their meager retirement income by selling merchandise at the
11 swap meet. This also gives them an opportunity to socialize
12 with their peers.

13 The members of our Lahaina Honolulu Senior Citizens
14 Club highly respect Mr. Wil Wong's professionalism,
15 integrity and honesty. He has been very supportive of our
16 club for many years, and has given our club members and our
17 club the opportunity to fund raise. Thank you very much for
18 letting me testify.

19 CHAIRMAN STARR: Okay, thank you for your
20 testimony. Members, any questions?

21 Okay, Commissioner and Vice-Chair John Guard has
22 joined us, JB.

23 And the next testifier will be Anita Yamafuji.
24 Please come and tell us your name for the record before you
25 start.

1 MS. YAMAFUJI: Aloha. My name is Anita Yamafuji.
2 I'm a member of Lahaina Honolua Senior Citizens Club, and I
3 would like to speak on behalf of many of my senior friends
4 who attend the weekly swap meet.

5 I go to the swap meet nearly every Saturday to
6 purchase food items that I need for the week. Prices at the
7 swap meet are much lower than that of the supermarket, and
8 much fresher too. I found, I have found parking to be a
9 problem at the present location. If I do not get there
10 early I need to park quite a distance away. Besides, the
11 swap meet grounds are covered with gravel, which makes it
12 difficult and dangerous for our elderly and handicapped to
13 walk around.

14 I would like to ask you to approve Mr. Wong's
15 request to move the swap meet to the parking lot of the Maui
16 Community College. The new location at the Maui Community
17 College would be paved and be a safer place for us to walk.
18 There will also be more parking spaces as well as more
19 handicapped parking spaces. Thank you for listening.

20 CHAIRMAN STARR: Okay, thank you. Members, any
21 questions? Okay, thank you very much for your testimony.

22 The next testifier is -- it looks like Richard
23 Nagamine. Please come and give us your name, sir.

24 MR. NAGAMINE: Aloha. My name is Richard
25 Nagamine. I'm also a senior member of the Lahaina Honolua

1 Senior Citizens Club. I would like to ask you people to
2 support Mr. Wong's request to get that new area. He has
3 done so much for my family and also for the senior citizens.

4 It's going to be really easy for the seniors
5 knowing that there's going to be buses going to the place,
6 because if you were to drive on your own, I would say 75
7 percent of the seniors wouldn't be able to go there. And we
8 like to help the seniors as much as possible, because I'm a
9 senior myself. So thank you.

10 CHAIRMAN STARR: Okay, thank you. Members? Okay,
11 thank you very much for your testimony.

12 I believe it's Colleen Cochlin. Please join us.

13 MS. COCHLIN: I'd like to wait until the agenda
14 item, please.

15 CHAIRMAN STARR: Okay, Colleen will wait. Jim
16 Sanders.

17 MR. SANDERS: Agenda item two, please.

18 CHAIRMAN STARR: Okay, you will be waiting for
19 agenda item two. So do we have any other members who would
20 like to testify on any item before the meeting? Please come
21 forward and tell us your name before you start, for the
22 record.

23 MS. SATO: Good morning. My name is Susan Sato,
24 and I'm the owner of the Children of the Sea, and have been
25 a seller at the Maui Swap Meet since 1989, a total of 19

1 years.

2 I'm looking forward to the wonderful changes just
3 ahead, and hope that we will be able to call MCC our
4 permanent home. It is also so important that our customers
5 can rely on us being in the same place week after week, year
6 after year. From what I've seen of the drawings and plans
7 for the new site, it looks to be a safe, fun, shopping
8 experience for our loyal customers as well as new customers.
9 The parking lot will provide a much safer alternative to the
10 present parking we currently use.

11 The Maui Swap Meet has been a top visitor
12 attraction for many years, and is one of the most referred
13 shopping excursions. Customers can find Maui-made
14 handicrafts, art, tee shirts, exotic gifts from around the
15 world, as well as locally grown produce and deliciously
16 prepared food.

17 The opportunities the Maui Swap Meet will provide
18 for the students of MCC gives a new sense of pride. Not
19 only will we continue to provide an income for our families,
20 but we will all have a part in promoting business
21 opportunities for the students, and revenue for many of the
22 programs provided at MCC, such as business, art, ceramics,
23 culinary, fashion, technology, carpentry and welding.

24 In hopes that this will encourage the Maui
25 Planning Department to issue Maui Expo the SMA permit and

1 not to burden Maui Expo with too many regulations, on behalf
2 of Maui Expo, Wil Wong, I thank you for your time and your
3 consideration. Aloha.

4 CHAIRMAN STARR: Okay, members? Hold on, please,
5 stay up. We have -- Commissioner Mardfin has a question.

6 COMMISSIONER MARDFIN: I'm sorry. Good morning.
7 You touched on something I was going to ask you about. You
8 talked about these programs. Are you connected with Maui
9 Community College directly?

10 MS. SATO: No, but I am going to be a student
11 there soon.

12 COMMISSIONER MARDFIN: Okay, I hope when these --
13 then I won't ask you. But you mentioned a list of programs,
14 and I wanted to find out if there were formal arrangements
15 or whatever. But it sounds like you don't have that kind of
16 information.

17 MS. SATO: This is something that Wil would
18 probably be able to give you more information on.

19 COMMISSIONER MARDFIN: I'll ask that later.
20 Thank you.

21 CHAIRMAN STARR: Thank you very much. It looks
22 like Mr. Haywood. Please come forward and identify
23 yourself, and try to keep it brief.

24 MR. HAYWOOD: Good morning, Mr. Chairman,
25 Commission members. I'm Guy Haywood. I'm obviously here

1 relating to the Maui Lu issue. There is an item on the
2 agenda, it says no public testimony will be taken. I am not
3 going to interfere with the Commission's perspective, but I
4 would say that we do obviously have objections to the
5 findings, we do obviously have specific objections, and I
6 also have objections to the procedures of service and so on.

7 I'm only making the record, Mr. Chairman, I am not
8 going to take up the Commissions time, I know that you have
9 a full day, but I want to make it clear that we do have
10 objections. I got the findings last week Thursday
11 afternoon, to an office next door to me. I got it served
12 only yesterday by certified mail. Again, as I said, I'm
13 making an objection to the service. Thank you.

14 CHAIRMAN STARR: Thank you. And we will be taking
15 up the item later on today.

16 MR. HAYWOOD: My understanding also from the
17 agenda is there is not to be any other public testimony. As
18 I said, I'm not here to challenge the Commission as much as
19 make the record. Thank you very much.

20 CHAIRMAN STARR: Mr. Haywood, just to comment, you
21 are a party so you will be allowed to speak. And while the
22 item doesn't call for public input, we do try to err on the
23 side of allowing people to say their piece. But it will be
24 later on today, and as a party you will have an opportunity.

25 MR. HAYWOOD: Thank you very much, Mr. Chairman.

1 CHAIRMAN STARR: Thank you. Anyone else wishing
2 to offer testimony? Please come forward and, once again,
3 introduce yourself and try to keep it fairly short.

4 MS. BAILEY: I would stay to speak with the swap
5 meet folks, but I have a job I have to go to. My name is
6 Bryn Bailey, and I have been a member of the swap meet for
7 27 years. I actually started the first day at the old fair
8 grounds. And I would like to speak to you also about
9 pushing along this permit.

10 It's very important that we do this quickly
11 because we have a lot of trees to plant. We have a lot of
12 senior citizens who are involved in the swap meet, and I'm
13 one of them. And putting up one tent is tough, putting up
14 two or three is really going to be tough, and I'd like to
15 get these trees into the ground. So the sooner you can do
16 that, the better I would like that.

17 Also, I think that after talking to a friend of
18 mine who is involved with the culinary arts at MCC, you will
19 find that MCC is thrilled to have the swap meet there. They
20 very much want to use that venue for their culinary folks to
21 have a booth there and introduce people to not only culinary
22 but other things that MCC is doing, and inform the public
23 and give their students an opportunity to deal with the
24 public. I think that's very, very important.

25 The swap meet is an amazing thing, and we are all

1 friends and we all work together. Wil has done a wonderful
2 job all these years, he's very well-organized. In the old
3 days when we were at the fair grounds we would look across
4 to where we are now and it was a dump. There were cars and
5 trucks and garbage, And he went in and cleaned it all up.
6 He planted trees, put in fences, water, electricity.

7 He knows what he's doing, he's very good at it,
8 and I don't think there's anyone at the swap meet that
9 doesn't support him and his project. He spent a lot of
10 money and a lot of time, and I think that above all we would
11 really like you to move this along so we can get into our
12 new spot in time so that we are not without a place to be
13 for any period of time, which is of course important for us.

14 And as the folks have said before, we seniors
15 particularly need it. I don't know whether I should say
16 particularly because I guess everybody is there for that
17 reason. But speaking for the seniors in my particular area
18 where I am, they all told me to please tell you that they
19 support this and they would like to see it move along
20 quickly.

21 CHAIRMAN STARR: Okay, thank you very much.

22 Members?

23 Okay, any other member of the public wishing to
24 give testimony on any item, please make yourself known.

25 Okay, not seeing any hands raised, the public

1 testimony and the initial portion of the meeting is now
2 closed, and I will pass it over to our director, Jeff Hunt,
3 to introduce the first item on the agenda.

4 DIRECTOR HUNT: The first item on your agenda
5 involves Mr. Wil Wong of Maui Exposition, Inc., requesting a
6 Special Management Area Use Permit in order to construct
7 improvements for the relocation of the Maui Swap Meet to the
8 Maui Community College Campus at TMK: 3-8-007, a portion of
9 lot 40 and a portion of lot 125 in Kahului. The file number
10 is SM1 2008/0001 and the planner assigned to this project is
11 Robin Loudermilk.

12 MS. LOUDERMILK: Good morning, members. I'd like
13 to turn the presentation over to Mich Hirano of Munekiyo &
14 Hiraga, and we will be introducing his team as well as
15 members from the swap meet and the college.

16 CHAIRMAN STARR: Before you begin, can you give us
17 an approximate idea of how long the presentation will take?

18 MS. LOUDERMILK: Approximately 15 to 20 minutes.

19 CHAIRMAN STARR: All right. Go ahead, Mich.

20 MR. HIRANO: Good morning, Chair Starr and
21 Commissioners. I'm Mich Hirano with Munekiyo & Hiraga. I'd
22 like to introduce Clyde Sakamoto, who is the Chancellor of
23 Maui Community College, just to give a brief introduction
24 and his endorsement of the project. And then we have a
25 Power Point presentation that would provide information on

1 the particular improvements and action that is involved in
2 the SMA application. So Mr. Sakamoto?

3 CHAIRMAN STARR: Okay. And welcome, it's good to
4 see you here.

5 MR. SAKAMOTO: Thank you. Chairman Starr,
6 Director Hunt, members of the Commission. Good morning,
7 aloha. Clyde Sakamoto, Chancellor of Maui Community
8 College, and I'm pleased to be here to endorse the project.
9 I'm an official member of the Maui Swap Meet fan club.

10 I'm thankful for the community presentations that
11 have come forward, and we are very grateful for the kind of
12 relationship that we are about to embark on with Wil Wong
13 and the swap meet. We think that it will be an advantage
14 for our community members who seek the kind of venue that
15 the swap meet has provided.

16 But additionally, we are very interested as a
17 college in terms of the educational opportunities that it's
18 going to provide for students who are interested in becoming
19 entrepreneurs. And there are a whole range of sectors, some
20 of which we have identified here, and others yet to be
21 identified and invented. And so we're totally supportive of
22 this agreement.

23 It's gone before our board as a lease arrangement,
24 the board has approved it, so it's been in the works for
25 several years now, and we are excited to be at this stage

1 and seek your approval and endorsement of this proposal.

2 I'd be pleased to answer any questions that you may have.

3 CHAIRMAN STARR: Okay, members? Dr. Iaconetti.

4 COMMISSIONER IACONETTI: I'm not sure it's any of
5 our business, but what is the economic relationship with the
6 community college?

7 MR. SAKAMOTO: We have an arrangement between the
8 swap meet and the University of Hawaii that allows us to
9 enjoy a percentage of the ticket sales, and we have a lease
10 arrangement as well, and there are provisions for
11 escalations going forward. So we think that it would be a
12 mutually beneficial arrangement.

13 Wil has also agreed to help us with some of the
14 maintenance in the area, and we are grateful for that. Some
15 improvements have been made in terms of our whole thinking
16 about that. Something that was essentially an asset that we
17 were seeking to utilize in some way, but understanding that
18 it was in a flood zone, we thought that this would be an
19 imminently prudent way of taking advantage of the space for
20 community and student purposes.

21 COMMISSIONER IACONETTI: Thank you.

22 CHAIRMAN STARR: Okay, Commissioner Mardfin.

23 COMMISSIONER MARDFIN: Can you tell me how long
24 the lease is?

25 MR. SAKAMOTO: The lease runs -- what is it?

1 It's 12 plus 5. So --

2 COMMISSIONER MARDFIN: Years, I'm assuming.

3 MR. SAKAMOTO: Yes.

4 COMMISSIONER MARDFIN: I used to be a college
5 professor, so I'm interested in how the educational aspects
6 of this are going to affect the students at Maui Community
7 College.

8 MR. SAKAMOTO: This is a very, very critical area
9 for us. As you may understand, entrepreneurship in Hawai'i,
10 small businesses in Hawai'i represent a very high percentage
11 of our business activity in Hawai'i, and growing young
12 entrepreneurs is a significant challenge for our students
13 and the community at large.

14 So we see the swap meet as an opportunity for
15 young entrepreneurs, interested entrepreneurs from our
16 community and students to look at ways to introduce services
17 and products within the swap meet venue. Low overhead
18 supported by the institution as a context within which if
19 things don't work they can be tweaked, they can be designed,
20 they can be tested, so that when they're ready for an
21 expanded kind of market they will have had some experience.

22 COMMISSIONER MARDFIN: Do you anticipate specific
23 courses using that?

24 MR. SAKAMOTO: We already have a range of business
25 programs that we feel will take advantage of this. Just as

1 an example, we have our applied business and information
2 technology program, our first bachelor's degree program in
3 applied sciences. We think that that would be a venue in
4 which some of the services might be identified and then
5 offered through this particular venue.

6 As another example, we have created an audio
7 studio for our music students. They are creating CD's that
8 they're producing, then making available to the community.
9 So this would be another sales outlet for our students, and
10 we think that has promise.

11 COMMISSIONER MARDFIN: So you're seeing it more
12 as a sales outlet, rather than I get credit for being at the
13 swap meet on Saturdays?

14 MR. SAKAMOTO: Absolutely. It's an opportunity to
15 really experience what being a small business person feels
16 like. Getting involved with creating a business plan,
17 beginning to understand what the tax requirements and
18 obligations may be, understanding what all of the
19 interrelationships between the regulations and the process
20 of creating a small business might be.

21 So we think that it's more of an education, rather
22 than simply assigning somebody to the swap meet for credit
23 to do, you know, ticket taking or anything like that.
24 That's not what we have in mind.

25 For the culinary area, that also provides I think

1 a tremendous opportunity for our students to then display
2 other kinds of skills and other kinds of creations that they
3 have. You may know or may not know, but we have created out
4 of our Maui Culinary Research and Development effort a whole
5 range of products that our programs develop, and that will
6 afford our students a program, a venue to market these kinds
7 of products, as well as to create new kinds of alternatives.
8 So we see that as a promising area.

9 COMMISSIONER MARDFIN: Which specific, which
10 faculty members are involved in this?

11 MR. SAKAMOTO: In terms of you mean creating
12 products or --

13 COMMISSIONER MARDFIN: Faculty members that are
14 going to be involved with having their students engaged in
15 these activities, or you haven't identified faculty members
16 yet who are going to be doing this?

17 MR. SAKAMOTO: Well Bob, Dr. Bob Worman is the
18 faculty member who is in charge of our music program, you
19 know, so he's already begun doing this in terms of creating
20 CD's. They're now being marketed at Borders.

21 COMMISSIONER MARDFIN: None of the business
22 faculty doing this, having the students do business plans
23 have been involved?

24 MR. SAKAMOTO: Not specifically with the swap
25 meet, because it's not been available. But we have had our

1 students present business plans to community advisory
2 communities and have them evaluated and assessed. So that
3 would involve Dr. Raffie Borser and Dr. Margaret
4 Christiansen (phonetic).

5 COMMISSIONER MARDFIN: Thank you.

6 CHAIRMAN STARR: Commissioner Guard do you have a
7 question?

8 COMMISSIONER GUARD: More of just a comment that
9 it's a great opportunity to use an empty parking lot on the
10 weekends. And my wife is a big fan of the culinary products
11 that you guys sell for Christmas presents et cetera. It
12 would also be a great way to alleviate some traffic on
13 Puunene Avenue. So congratulations, and good forward
14 thinking. Thank you.

15 MR. SAKAMOTO: Appreciate your help, thank you.

16 CHAIRMAN STARR: Okay, Dr. Iaconetti?

17 COMMISSIONER IACONETTI: I too think that this is
18 a marriage made in heaven. The two organizations getting
19 together is great. My one question though, you mentioned on
20 several occasions the sale of food, and I noticed in the
21 material that we received that there's some question as to
22 whether or not this would be approved I guess by the
23 Department of Health.

24 MR. SAKAMOTO: Mich?

25 MR. HIRANO: Yes, Dr. Iaconetti, the Department of

1 Health did respond in the agency comments regarding
2 preparing food on the site, that if food was prepared on the
3 site, within the swap meet site, they would want a
4 commercial kitchen or commercial facilities. However,
5 packaged food would be okay, is what they said. So I think
6 the idea would be to try and use the college facilities and
7 have food prepared if food was available.

8 COMMISSIONER IACONETTI: Thank you.

9 CHAIRMAN STARR: Okay. Why don't we wait until --
10 okay, well, thank you very much, Chancellor, and thank you
11 for supporting this and being here.

12 MR. SAKAMOTO: Thank you.

13 CHAIRMAN STARR: Go ahead and take it away,
14 Mr. Hirano.

15 MR. HIRANO: Thank you, Chair Starr. We've
16 prepared a Power Point to just give some background
17 information on the project. And if we can have the lights,
18 please. Thank you.

19 This is the current swap meet site or proposed
20 swap meet site. It is currently functioning as a drainage
21 retention basin. It's just off of Kahului Beach Road and
22 Wahine Pio Avenue, and it's accessed through the main
23 parking lot on the north side of the campus.

24 This is the existing retention basin. It's
25 approximately three-and-a-half acres. This is the parking

1 lot on the right-hand side of the screen. This is the
2 Harbor Lights condominium. Kahului Beach Road would run
3 along the left-hand side of the photograph.

4 And as you can see, it is just a depressed area
5 that is grass, and there's a berm on the up-side, parking
6 lot side of the retention basin, and as well, a berm on the
7 makai side of the detention basin, and this allows the water
8 to pond within the detention basin and percolate into the
9 ground.

10 This is a plan view of the existing detention
11 basin, and the idea would be to expand the basin towards the
12 northeast and create -- and this is an approximate one acre
13 area, so the existing basin is about three-and-a-half acres,
14 and this would expand the basin to about four and a half
15 acres overall area.

16 The proposed improvements involve a fence,
17 perimeter fencing around the basin for security purposes, AC
18 paved walkways within the basin, and this is for areas where
19 the patrons will walk, and the booths will be set up in
20 between the walkways. There's also a ticket booth area that
21 will be put on the site for people to pay as they enter into
22 the swap meet site, and there's as well a ticket office area
23 and an administration office area that will be built or
24 erected on the site. Then these are the berms that will
25 retain the water during heavy storms.

1 This is the existing detention basin as well, and
2 this is an off-site detention basin for the Maui Arts and
3 Cultural Center. This will be unaffected by the proposed
4 improvements.

5 This is just a schematic of the ticket booth.
6 It's just a small building. It will be approximately four
7 feet by four feet and eight feet high, and there will be two
8 on each side of the gate as you enter into the swap meet
9 site.

10 This is the administrative office that will be put
11 on a cement pad. This is basically a reconditioned and
12 refurbished trailer that measures approximately 12 feet by
13 24 feet, and it will be re-finished in this particular style
14 and put onto the site. This administration building serves
15 a very important function for the smooth operation of the
16 swap meet. It serves as a central information point for the
17 swap meet. It also is an area for first aid attendants, if
18 there's a first aid requirement. Everything happens and
19 starts at this administration building.

20 Also during the week if people want to
21 pre-register for the event, that is the vendors, then they
22 can come, and that would relieve the congestion on Saturday
23 mornings when the swap meet site is set up.

24 These are the existing buildings and the
25 architectural style and the new style that is at the Maui

1 Community College. This is the Pa'ina building. This is
2 the new culinary arts building. And as you can see, this is
3 an information kiosk. So the idea is to just retain the
4 character and reflect the character of the architectural
5 style at the college with these minor buildings that will be
6 built for the swap meet.

7 The swap meet site itself, this is a rendition of
8 -- a rendering, rather, of the site upon completion. And
9 this is the existing kiawe trees that are there right now
10 that provide a screen break, a wind break, and a visual
11 break and barrier as well from Kahului Beach Road looking
12 into the campus grounds. This is sea grape. This will be a
13 sea grape screen, a vegetative screen that will be planted
14 within the kiawe. And there will also be sea grape on top
15 of the berm to mitigate the visual impacts of the fencing
16 that will be put on the berm.

17 And again, you can see that this is looking into
18 the campus from Kahului Beach Road. There's quite an
19 existing visual kind of buffer zone there of thick kiawe and
20 sea grape vegetation. And this is looking to the south from
21 Kahului Beach Road.

22 In terms of traffic management for site
23 operations, there will be a police officer as well as a
24 traffic assistant to direct vehicles entering and exiting
25 the main Maui college campus parking lot, and that's off of

1 Wahine Pio Avenue. The peak hours are usually from 8:30 am
2 to 10:00 am, or they will be there as necessary.

3 Parking attendants will be assigned within the
4 parking lot during the peak hours to assist clients and
5 patrons who come to the swap meet for parking areas, and
6 there will be appropriate signage that will be utilized to
7 direct traffic in and around the parking area.

8 Approximately 220 vendors are anticipated to be
9 housed at the Maui Swap Meet, and upwards to 3,000 to 3,600
10 people are forecasted to attend the swap meet operations.
11 The swap meet will be approximately 25 percent larger than
12 the current site, which has approximately 200 vendors.

13 In terms of parking and public transportation, as
14 you heard during the public testimony this morning, there
15 will be ample parking. There are 820 marked parking stalls
16 within that parking lot. There will also be accessible
17 parking stalls that will be identified and marked off near
18 the entrance gates to the swap meet site.

19 There will also be convenient public
20 transportation. The number 5 Kahului loop bus comes on its
21 schedule every 30 minutes, and this bus is free for riders
22 within the Kahului area. So it's a great public
23 transportation facility. The Maui Swap Meet will also
24 coordinate with Maui Economic Opportunity regarding a
25 designated area for the MEO stop drop-off and pick-up space.

1 Because this site is in a flood zone, it's within
2 the flood zone, the 12 zone, we have developed an evacuation
3 plan. The Maui Community College has an emergency and civil
4 defense procedures plan and handbook, and taking the major
5 direction from that handbook, Maui Swap Meet has put
6 together as well specific instructions to deal with
7 evacuation during times of a tsunami or high flood, high
8 rain times on Maui. So this plan addresses procedures in
9 the event of an emergency or disruption, and it has an
10 evacuation route associated with it.

11 As well, four times out of the year the Maui Swap
12 Meet will meet with vendors and traffic operators to discuss
13 and train for emergency evacuation. The evacuation routes
14 will be posted throughout the Maui Swap Meet site, including
15 the entrances and exits.

16 Basically the evacuation zone is if you are on the
17 Wahine Pio side of the building you would go out of Wahine
18 Pio and head in a westerly direction to higher ground and
19 congregate at the War Memorial stadium. And if you are on
20 the other side of the campus building you would go out
21 Kaahumanu Avenue and head west to higher ground.

22 There will be ongoing discussions with the
23 Department of Parks and Recreation regarding the use of the
24 War Memorial stadium as a central meeting point in case of
25 an evacuation, and Mr. Wong is in discussions with the Parks

1 and Recreation right now. And as well, there's ongoing
2 discussion with Maui Community College and the County of
3 Maui to determine the location of signage indicating the
4 evacuation route.

5 Mr. Wong had discussed with us possibly putting
6 the signs at the entrances to the swap meet site, and a few
7 signs within the swap meet site itself just to direct people
8 and show arrows pointing to the evacuation route.

9 There are provisions within the agreement about
10 operations in the time of inclement weather, and the swap
11 meet will not operate under heavy rain conditions. In the
12 event of ponding within the retention basin, the swap meet
13 will operate within the Maui Community College parking area.
14 And in the event of potential flash flood warnings, the swap
15 meet will not operate within the basin.

16 Those are just a summary of the project benefits.
17 There are two sides of the benefits I think for the
18 community and the swap meet. It's a convenient location,
19 there's ample parking, it's also very accessible. And it is
20 a stable home for the Maui Swap Meet, which is basically a
21 Saturday morning institution that has been operating for 27
22 years on Maui.

23 There are also, as Chancellor Sakamoto mentioned
24 this morning, many benefits to the community college. First
25 of all, in terms of just maintenance and landscaping, the

1 Maui Swap Meet will be responsible for landscaping and
2 maintaining the entrances to the parking lot. As was
3 mentioned, there will be participation of business, arts,
4 and many of the courses within the college. And it will
5 also provide a source of revenue for program funding at Maui
6 Community College.

7 In the past, students have had opportunities to
8 utilize the vending space at the swap meet, and ongoing
9 discussions with MCC to open the Pa'ina building food court
10 during the swap meet hours.

11 So that concludes our presentation, just to
12 provide the background to the swap meet at the Maui
13 Community College. We do have in attendance to answer any
14 questions Erin Mukai from our office, who has assisted us in
15 the preparation of the SMA assessment, Clyde Sakamoto with
16 the college, David Tamanaha with the college, Mr. Wil Wong,
17 and Harley Mason of the Maui Community Swap Meet, and Donna
18 Fujii of ATA, which is the engineering consultant.

19 CHAIRMAN STARR: Okay, thank you. Robin, do you
20 have anything more before we ask questions? Maybe you can
21 explain to us what is the actual item before us, what
22 action.

23 MS. LOUDERMILK: The department has no additional
24 information to add to the presentation. The action before
25 the Commission today is to -- is a request by Wil Wong of

1 Maui Exposition to obtain a Special Management Area Use
2 Permit for the relocation of the Maui Swap Meet to the MCC
3 site that was part of our presentation.

4 CHAIRMAN STARR: Okay, thank you. Members, any
5 questions for the applicant or the consultant? Commissioner
6 Hedani.

7 COMMISSIONER HEDANI: Robin, this is just a
8 question that I have regarding the chain link fence that is
9 going to be surrounding the property, and the visual affect
10 that that would have both from the college side and from the
11 surrounding properties. I saw in the presentation that they
12 propose to use sea grape as what looks like a buffer hedge
13 next to the chain link fence. I was just wondering why they
14 picked sea grape, because in my experience it ends up being
15 a 25 foot tall tree instead of a hedge.

16 MS. LOUDERMILK: Good question.

17 MR. HIRANO: Commissioner Hedani, Wil Wong will
18 answer that question. As well, just in terms of the visual
19 impact of the chain link fence, it will be vinyl covered or
20 coated, so it will be a green fence, which will blend in a
21 little bit with the existing vegetation.

22 MR. WONG: Good morning, Chairman Starr, members
23 of the Commission. My name is Wil Wong, I am the president
24 of Maui Exposition that operates the Maui Swap Meet. In
25 reference to Mr. Hedani's question regarding the sea grape,

1 the sea grape was a plant selected in consultation with
2 several landscapers and the ag department of MCC.

3 The sea grapes that are being cultivated, actually
4 they're being cultivated right now, we have planted over 200
5 trees, they're to replenish the bare areas that was void of
6 kiawe trees. We wanted to create a wind and visual barrier
7 from Kahului Beach Road to the college. Around the small
8 retention basin the sea grape would be planted, and that sea
9 grape would be a hedge. It would be trimmed like a hedge.

10 You did mention the visual impact from the college
11 parking lot into the retention basin, and we did have a
12 presentation to the Urban Design Board about two weeks ago,
13 and we did illustrate to them that the chain link fence
14 along the parking area would be buffered by concrete columns
15 with a cap. And they would be painted and finished to match
16 the existing architecture of the campus to give it a little
17 softer look, and we are using green vinyl chain link fence.

18 CHAIRMAN STARR: Okay, Commissioner Mardfin.

19 COMMISSIONER MARDFIN: How did you determine the
20 numbers that you have, the number of vendors, the number of
21 participants?

22 MR. WONG: It's just an historical figure. Those
23 are figures that we have from experience.

24 COMMISSIONER MARDFIN: I got the impression from
25 reading this that it's more than you are currently getting,

1 is that correct?

2 MR. WONG: We anticipate that we would have an
3 increase of vendors at the new site, yes.

4 COMMISSIONER MARDFIN: Can you tell me what your
5 entrance fee is?

6 MR. WONG: Entrance fee for vendors or admission?
7 Well, let me answer both. We have a structured scale for
8 our vendors, and we try to accommodate one time only or
9 garage sale type vendors that come to the swap meet, you
10 know, periodically. Our fees start at \$25, and we do have
11 prime spaces, like shopping centers do, which are corners or
12 spaces that are more assessable or that have greater
13 exposure to the public. These could go up to \$50. So
14 there's a sliding scale.

15 The admission to the event is 50 cents. And I do
16 want to add that for as long as the Maui Swap Meet has been
17 in existence, we have provided free spaces to any non-profit
18 entity on Maui. And I think in our files today we have
19 catered to over 300 non-profit organizations on Maui, and we
20 provide them with free space. All they need to do is bring
21 a letter signed by an officer of their entity or a club
22 member that's an officer, and they can get a free space.

23 CHAIRMAN STARR: Director, do you have something?

24 DIRECTOR HUNT: The location is in the bottom of a
25 drainage basin. Has there been any analysis as to how many

1 days you would expect not to be able to operate there and
2 you would have to be relocated up to the parking lot?

3 MR. WONG: Yes, correct. Normally historically we
4 usually lose one Saturday per year due to heavy rain that we
5 cannot operate. We also determine that there will be
6 approximately four events out of the year that there would
7 be ponding in the retention basin as a result of rain
8 probably on Thursday or Friday. And by average, it's been
9 about four events a year.

10 And in our lease arrangement with the college we
11 have the opportunity to relocate on the paved parking area.
12 When we do that, it's not as large an event that it normally
13 is, because normally during any type of inclement weather
14 our vendor count does fall by about 50 percent. The people
15 attending the event normally falls by, you know, it's about
16 60 percent of our normal. And the length of stay that
17 customers have at the event is greatly diminished because
18 obviously you don't want to be shopping in the rain for too
19 long a period.

20 So we determined that we would be using about 220
21 marked parking spaces for vendors. That will still leave
22 another 600 spaces for customers, which would probably be
23 more than ample.

24 CHAIRMAN STARR: Okay, Commissioner Mardfin again.

25 COMMISSIONER MARDFIN: What sort of arrangements

1 do you have for people that need to use the bathroom?

2 MR. WONG: We will be having portable luas on
3 site.

4 COMMISSIONER MARDFIN: So no direct sewage
5 connections or anything on site?

6 MR. WONG: That is correct.

7 COMMISSIONER MARDFIN: You are going to use
8 portables.

9 MR. WONG: That is correct.

10 Commissioner MARDFIN: I don't mean this in a
11 wrong way, but I have to ask it. You have been in operation
12 for 27 years. Have there been any violations of any sort,
13 traffic or building permits, or anything else at your
14 current operation?

15 MR. WONG: Yes. At our current location we have
16 recently been cited for a building permit violation, and we
17 have been given ample time to correct it. I have been
18 through this process.

19 At our present location we are kind of caught in a
20 situation where originally the parcel, we shared the same
21 parcel with the Parks and Recreation where the swimming pool
22 is located, and about seven or eight years ago A&B
23 subdivided the parcel, which eliminated us from being able
24 to get a water meter. Because when they subdivided the
25 parcel they didn't put in a lateral. And A&B applied for a

1 water meter for our particular parcel approximately four or
2 five years ago, and the water department hasn't been able to
3 accommodate that parcel for about two-and-a-half years.

4 We tried to apply for an after-the-fact building
5 permit. Every single department signed off on it except for
6 the water department. Originally we had an arrangement
7 where we shared one water meter with the county because it
8 was one parcel. Now it's two parcels.

9 COMMISSIONER MARDFIN: What will you do with
10 water on the proposed site?

11 MR. WONG: The proposed site, for irrigation there
12 is irrigation water. There's a private well at MCC.

13 COMMISSIONER MARDFIN: And no other use of water?

14 MR. WONG: Drinking water will be sold from the
15 concessions.

16 CHAIRMAN STARR: Commissioner Hiranaga?

17 COMMISSIONER HIRANAGA: I'm just wondering, with
18 the usage and the traffic generated on the site, any
19 consideration if the grass, existing grass is unable to
20 maintain its coverage due to the traffic, if you can have
21 dust control measures, or if you have a procedure to water
22 the site during non-swap meet days. You know, if you have
23 -- if the grass is unable to maintain its coverage you are
24 going to create a lot of dust that may impact say Harbor
25 Lights because of the existing trades.

1 MR. WONG: I don't really foresee that being a
2 problem. We already determined that we need to allocate
3 basically two full-time personnel on a weekly basis for the
4 maintenance of the basin. There's a possibility that grass
5 would erode in the basin in certain areas, and I think in
6 our operational manual of the drain basin we do have
7 provisions to rotate spaces, where if the ground does become
8 worn that we would not sell certain spaces, and replant
9 those areas and reallocate the spaces.

10 COMMISSIONER HIRANAGA: Thank you.

11 CHAIRMAN STARR: Commissioner Mardfin?

12 COMMISSIONER MARDFIN: One of the issues raised
13 in the documentation was about the serving of food. That
14 seemed to be a little bit in flux when this was written.
15 Can you tell me what the status of that is now?

16 MR. WONG: The Department of Health, Mr. David
17 Tamanaha of the college and I did meet with Mr. Herbert
18 Matsubayashi and Mr. Ed Miyabara of the Health Department to
19 get all these items clarified. All they wanted to make sure
20 was that our vendors that are selling food on the property
21 are preparing the food from a certified kitchen. And they
22 are required to obtain a temporary health permit to be able
23 to sell at the swap meet grounds. They're requesting that
24 their health permits be posted in their spaces.

25 COMMISSIONER MARDFIN: Is that done at the

1 current location?

2 MR. WONG: It's being done to a certain degree at
3 this current location.

4 COMMISSIONER MARDFIN: Will the MCC culinary
5 program have any sort of monopoly situation on the serving
6 of food there?

7 MR. WONG: I need to discuss that with the
8 culinary department to see which avenues they would want to
9 pursue. But it's my opinion at this point that the culinary
10 department itself would not be able to service the entire
11 swap meet, that we would need perhaps an additional vendor.

12 COMMISSIONER MARDFIN: Is at intention to have --
13 probably this should be for Chancellor Sakamoto -- but is
14 the intention to have the culinary department prepare the
15 food and then bring it to the swap meet, or have the swap
16 meet patrons go to the Pa'ina building?

17 MR. WONG: There is a discussion right now. In
18 fact, I did speak to David Tamanaha within the past week,
19 and they felt that possibly by opening the Pa'ina building
20 it would be a more comfortable area for the patrons of the
21 swap meet to go to and to be able to sit and relax and maybe
22 grab something to eat. It could be just that avenue; it
23 could be both. It could be where they choose to maybe bring
24 out their pastries in the morning to the swap meet and sell
25 coffee, and then serve the lunches or other meals at the

1 Pa'ina building. But we're still evaluating which would be
2 the best avenue to approach at this time.

3 COMMISSIONER MARDFIN: Is the Pa'ina building
4 operational on Saturdays, normally?

5 MR. WONG: No.

6 CHAIRMAN STARR: Commissioner Hedani.

7 COMMISSIONER HEDANI: Wil, because the Exposition
8 is going to be kind of like in a hole, you know, with berms
9 all the way around it, there are provisions so that it's
10 handicap assessable from the parking lot?

11 MR. WONG: On the plans on the main entrance the
12 slope into the berm would be 12-to-1, which is handicap
13 assessable. And there are plans to put in guardrails.

14 COMMISSIONER HEDANI: So it is handicap
15 assessable.

16 CHAIRMAN STARR: Go ahead.

17 COMMISSIONER MARDFIN: Another issue seemed to be
18 parking. One of the connections was an LOSF, I believe.

19 MR. WONG: Correct.

20 COMMISSIONER MARDFIN: I'm a little, I have a
21 hard time reading these things, so what I'm going to ask is
22 going to be strange. I take it the arriving traffic will be
23 less on Saturdays than it is Monday through Friday.

24 MR. WONG: On Wahine Pio?

25 COMMISSIONER MARDFIN: Yes.

1 MR. WONG: Yes, on Wahine Pio.

2 COMMISSIONER MARDFIN: So even though there might
3 be some problems, it's going to be no worse than occurs
4 Monday through Friday.

5 MR. WONG: I think the traffic impact statement
6 which indicates the LOSF is only at the intersection of
7 Wahine Pio turning into the parking lot, and it's that
8 left-turn lane. And I agree 100 percent with that traffic
9 assessment, because that left-turn lane only accommodates
10 four cars.

11 What you have to keep in mind is that the peak
12 hours for the swap meet when that LOSF occurs is between
13 8:30 and 10:00. My plans to eliminate that LOSF is to not
14 allow the cars. The traffic officer at that intersection
15 will not allow the cars to queue from that left-turn lane on
16 to Wahine Pio.

17 I spoke to my special duty officer, and what we
18 intend to do is, going into the north parking lot, the
19 parking lot has an entryway of about 400 feet. We are going
20 to allow the cars to queue in the parking lot rather than
21 Wahine Pio. So that would, on the right turn lane I think
22 the traffic engineer indicated that it would operate at a
23 B-LOS. The left turn lane would operate at an F.

24 It's my feeling that by queuing the to play with,
25 that it would become a C-LOS. And the right-turn lane will

1 become a C-LOS, it won't be a B.

2 CHAIRMAN STARR: Okay, I have a couple of
3 questions before we go. First, regarding drainage, I know
4 the new walkways and paved areas will create additional
5 runoff. What I think I read was that that will be more than
6 accommodated with the new area. Can I just get confirmation
7 of that?

8 MR. WONG: I believe we have the civil engineer
9 here, and he should be able to answer that question.

10 CHAIRMAN STARR: How much new attention is being
11 created.

12 MR. WONG: In fact, in the very beginning when we
13 even considered this project, that was my first question to
14 him also. So I'll let him explain.

15 MR. FUJII: Good morning. My name is Don Fujii
16 with the engineering firm of Austin Tsutsumi and Associates,
17 and I just want to mention to you that we are increasing the
18 volume of that basin by 2.6 acre feet. So that will more
19 than take care of that additional flow created by the
20 proposed development.

21 CHAIRMAN STARR: Okay. In the Power Point there
22 was some description about flood measures and warning and so
23 on. What are the conditions under which there would be a
24 sudden inundation at this location?

25 MR. FUJII: Well, basically that basin is a

1 retention basin for the entire Maui Community College, and a
2 small portion off-site drainage area. So the only time you
3 have rain, the rain will end up in this basin. So there
4 will be some ponding during a normal rain storm.

5 CHAIRMAN STARR: Are there conditions under which
6 a sudden precipitation could cause rapidly occurring
7 dangerous conditions there?

8 MR. FUJII: I'm not sure I can answer a rapid
9 condition, but I can say that when there is rain that basin
10 will have water. In terms of how long it takes to get to
11 that basin, there's a series of drainage pipes throughout
12 the campus that will collect this water and then get to the
13 basin.

14 CHAIRMAN STARR: I just wanted to ask Counsel, is
15 this something that we should be concerned with for
16 potential liability to us or to the county if there were a
17 sudden inundation and lives were put at risk?

18 MR. GIROUX: You can take that into consideration.
19 However, in the standard conditions I believe for your SMA's
20 you are given some indemnity language, and also they're
21 going to be required to have a million dollars of insurance.
22 So if that satisfies your concerns, then you can discuss
23 that.

24 CHAIRMAN STARR: I guess we can talk about that
25 when we get to that point. Another item, this is for Mr.

1 Hirano. I was glad in the Power Point you did mention
2 public transportation. I was surprised reading the report
3 there wasn't any mention of it in the traffic analysis. You
4 know, I'm hoping in the future we can move to a point where
5 that always becomes a part of the analysis.

6 MR. HIRANO: I will take that into consideration
7 in the future and direct traffic, I guess traffic
8 consultants to include that.

9 CHAIRMAN STARR: Good. One other comment I have.
10 Do you have with you the folks who did the archeological
11 inventory?

12 MR. HIRANO: No. That was Xamanek Researches,
13 and they are not available today.

14 CHAIRMAN STARR: Okay. I don't, you know, I don't
15 want to make a complaint against the report, but I did have
16 some comments which I'd like to be on record with. And this
17 is a fairly old document, and it states that, "The subject
18 parcel is located in the eastern half of the ahupua'a."
19 This is on page four. "An area apparently little used for
20 agriculture or habitation until late in the 19th Century,
21 when some of it was put into sugarcane production."

22 And then "Descriptions from documents and
23 information on historic maps leave numbers of authors to
24 conclude that the eastern portion of the ahupua'a was little
25 used in pre-contact times because of its relatively barren

1 landscape."

2 "The only mention of habitation sites in the
3 eastern portion that could be found is that referring to
4 fishermen's huts fronting Kahului Bay." And it goes on with
5 some other history.

6 And I really believe that this has kind of been
7 superseded by time and more information. That it was really
8 quite populated and it was quite important. This seems to
9 show that the only important history occurred after it was
10 taken over by Spreckels and Baldwin. So perhaps next time
11 around we can get an update, because I really don't think
12 it's reflective of what current thinking is.

13 MR. HIRANO: You know, in the EA document there's
14 also the cultural impact assessment, and I think that covers
15 some of the earlier significance of that area as well, that
16 may not have been picked up in the archeological inventory
17 survey. But with respect to archeology, there is a
18 monitoring plan as well that had been prepared, and there
19 will be site monitoring during construction.

20 CHAIRMAN STARR: Commissioner Mardfin.

21 COMMISSIONER MARDFIN: On the same thing, I think
22 you've probably answered it, but I notice on page 9 of the
23 report that it said that they found stuff, I guess it was at
24 the Nissei Veterans Memorial, which is a half a kilometer
25 away, but they found something that radio carbon dated to

1 233. That's very early. What I would hate to mess anything
2 up that -- if you can document anything back that far,
3 that's really great information. And be extremely careful
4 when you go through this. It sounds like it's not next
5 door, so it's not a real problem, but that's impressive
6 dates.

7 MR. HIRANO: Yes.

8 CHAIRMAN STARR: Okay, members, are we ready for
9 public testimony on the item? Okay, I'd like to call on
10 members of the public who wish to testify specifically on
11 this agenda item. If you haven't already done so, please
12 make yourself known.

13 Okay, seeing none, public testimony is now closed,
14 and I will turn it back over to Planner Loudermilk for our
15 recommendation. You can tell us what you recommend.

16 MS. LOUDERMILK: Yes. The Planning Department has
17 concluded that the application does comply with the
18 applicable standards for the Special Management Area. And
19 as such, the Maui Planning Department recommends approval of
20 the Special Management Area Use Permit subject to 20
21 conditions.

22 And that in consideration of the foregoing, the
23 Planning Department recommends that the Maui Planning
24 Commission adopt the department's Report and Recommendation
25 prepared for today's meeting as its Findings of Fact,

1 Conclusion of Law, and Decision and Order, and authorizes
2 the Director of Planning to transmit said written decision
3 and order on behalf of the Planning Commission. And that
4 concludes the department's recommendation on the action.

5 COMMISSIONER GUARD: Move to approve as
6 recommended.

7 COMMISSIONER IACONETTI: Second.

8 CHAIRMAN STARR: Okay, we have a motion by
9 Commissioner Guard, seconded by Commissioner Iaconetti to
10 approve the SMA for this project with the conditions as
11 recommended by the department. Any discussion on that?

12 I do want to bring back that one item regarding
13 liability, because I do have concerns. Not that I feel they
14 should stop this great project, but just that I want to be
15 sure that all care in the world is taken that there's not a
16 sudden flooding there. And if that's the case, if injury or
17 loss of life occurs, that it doesn't and up to the detriment
18 of the county. So perhaps I could ask Planner Loudermilk.

19 MS. LOUDERMILK: Sure. I'd like to direct your
20 attention to page four of the recommendation, item number 7.
21 The Maui Swap Meet is required to have a comprehensive
22 liability insurance at a minimum of \$1 million, naming the
23 county as an additional insured. So that I believe that
24 will cover the liability issue.

25 Secondly, the proposed improvements will be

1 required to comply with the county flood ordinances. As
2 long as everything is done to the code requirements, in
3 addition to the liability, the department feels comfortable
4 that we are covered. However, that would not preclude
5 somebody trying to sue. However, the million dollar
6 liability would cover the county from that.

7 CHAIRMAN STARR: Mike Miyamoto, our deputy from
8 Public Works, perhaps -- I mean what is permitted in a
9 retention basin in terms of public assembly, is there
10 anything in Title 19 or elsewhere or standard practice,
11 because I mean it is an area designed to collect water.

12 MR. MIYAMOTO: Offhand, I do not know of anything
13 specific that identifies the uses. But when you consider
14 that we have a lot of park facilities that are actually part
15 of drainage basins, I would think this would be very similar
16 to that situation.

17 CHAIRMAN STARR: So this isn't the first one.

18 MR. MIYAMOTO: No.

19 CHAIRMAN STARR: Members? Dr. Iaconetti.

20 COMMISSIONER IACONETTI: I wonder if Corp Counsel
21 has any comment regarding the liability and the amount of
22 insurance that is being asked to be obtained.

23 MR. GIROUX: I really don't have a comment on
24 that. I think if there's a concern about amount or coverage
25 I think that goes to risk management, where they would

1 actually assess what are the risks to the county in that
2 area. I think right now we have basically come up in the
3 Planning Department with a standard. You know, we look at a
4 million dollars as being fairly comfortable with that
5 amount, unless you do find something extraordinary in that
6 area.

7 CHAIRMAN STARR: Commissioner Guard.

8 COMMISSIONER GUARD: Just regarding the risk
9 management, I don't know if we need it as an additional
10 condition, but possibly they should look at having either
11 gates for emergency exit use, so that in the event they did
12 have to have everyone get out in a hurry we don't have to
13 funnel through one or two entrances. Possibly there should
14 be something that would open up in case of an emergency,
15 because everyone is sitting in a fenced area.

16 MS. LOUDERMILK: I believe there are a multiple
17 number of fences, and that that's part of the evacuation
18 plan in terms of disbursement, where the vendors as well as
19 the customers would go. And I just would also like to add
20 that the proposed improvements inside are in compliance with
21 the county flood hazards, so that the structures will
22 continue to meet the higher code requirements in that
23 particular location.

24 CHAIRMAN STARR: I'll just ask the applicant. How
25 long would it take in an emergency situation to get all of

1 the people inside, not necessarily the stuff, but all the
2 people to get to higher ground from the area if there was an
3 influx of water?

4 MR. WONG: Regarding your question, to the best of
5 our ability, we would not let that situation occur. Because
6 I think, as indicated earlier in the Power Point
7 presentation, if there is a flash flood warning in the West
8 Maui mountains, regardless of whether there's ponding in the
9 retention basin or not, we are not going to operate.

10 I do want to add that I have been monitoring that
11 retention basin for the last two years, since we first
12 talked about this project, and the water just doesn't rise
13 quickly, it rises at a very slow rate. We are not located
14 next to a stream or in a valley where it could get swollen
15 very quickly.

16 So I think we intend to be as vigilant as
17 possible. We are aware of our own liabilities, and any kind
18 of potential hazard to the general public is of our utmost
19 concern.

20 CHAIRMAN STARR: I'm sure it's of your concern,
21 but if the skies did open up and if there was a lot of water
22 coming in, is there any place within the fenced area where
23 people can get to higher ground? What I'm concerned about
24 is a crowd of people fenced into a submerged area and not
25 able to get out, or is there higher ground within the area?

1 MR. WONG: Well, the higher ground would be in the
2 parking lot, and we do have four exit/entrances. Mich did
3 want to add a few things. But I do want to also let you
4 know that the University of Hawaii has required us to
5 maintain a liability policy of \$2 million.

6 CHAIRMAN STARR: So I assume that means that it
7 would not be a problem for you to give the county \$2 million
8 as well.

9 MR. WONG: No, it won't.

10 CHAIRMAN STARR: How large are those four
11 entrances, and are they normally gated?

12 MR. WONG: The main entrance gate would be 36 feet
13 wide, and the other two exit gates are 14 feet wide.

14 MR. HIRANO: Chair Starr, just to comment and
15 respond to your question about higher ground within the
16 college campus, I just wanted to show you and indicate in
17 our environmental assessment the flood zone, the federal
18 emergency map, management map flood zone area just kind of
19 skirts the southern area, the southwestern portion of the
20 berm, but the flood area just sort of goes in this area.

21 So anything outside that flood zone is higher
22 ground. You know, the limits of the flooding, according to
23 the FEMA map, don't extend beyond that. So there probably,
24 as I said, it just comes to the edge of the berm.

25 CHAIRMAN STARR: Okay, members. Commissioner

1 Hedani.

2 COMMISSIONER HEDANI: Mich, or maybe Clyde or Wil
3 could answer this question, but because we seem to be
4 concerned about flooding in the area, how much water
5 accumulates in the retention basin. Does it accumulate to
6 the point where it becomes a threat to safety?

7 MR. HIRANO: As Mr. Wong mentioned, he does
8 monitor the detention basin, so I'd just like to ask him to
9 respond to that question in terms of the amount of water.

10 CHAIRMAN STARR: Could we ask Mr. Sakamoto,
11 because he's got a much longer --

12 MR. SAKAMOTO: I'm old.

13 CHAIRMAN STARR: You're experienced.

14 MR. SAKAMOTO: In the 35 years that I have been at
15 the college, when there's torrential rains I mean we would
16 shut down activities. If it's hazardous to our students and
17 to our faculty, we preclude that kind of dangerous situation
18 by simply sending people back to their homes or not having
19 them come in the first place.

20 In terms of the retention basin itself, it has
21 ponded up to knee high, you know, but it's taken really
22 hours to do that. So it's not a situation where, you know,
23 there's an immediate sort of infusion and flood of rushing
24 water coming into the flood basin, it sort of seeps into the
25 area and it accumulates from all of the paved areas in our

1 parking lot and from other parts of the campus.

2 So it's a very slow process. We don't foresee it
3 being a danger to the patrons of the swap meet or the
4 vendors, so we're very comfortable with the kinds of
5 solutions that Wil Wong has proposed.

6 CHAIRMAN STARR: Commissioner Mardfin.

7 COMMISSIONER MARDFIN: You mentioned that during
8 the week when you're there, if students are there you send
9 them home if there's a problem. Is the college going to
10 have anybody on Saturdays there?

11 MR. SAKAMOTO: We have a sense that, you know, Wil
12 is of the same predisposition that there's no interest at
13 all in endangering the public.

14 COMMISSIONER MARDFIN: I'm taking the answer to
15 that is "no."

16 MR. SAKAMOTO: We do have personnel, we have
17 security folks on campus. We have access to an emergency
18 system if a problem might arise. We have a network of
19 administrative support to whatever might occur.

20 COMMISSIONER MARDFIN: So they'd have the
21 authority to send people home. I trust Mr. Wong to do it,
22 but in the event he didn't for some reason, you folks would
23 have the authority to do that?

24 MR. SAKAMOTO: Absolutely.

25 COMMISSIONER MARDFIN: Thank you.

1 CHAIRMAN STARR: Okay, is there any interest in
2 going with the \$2 million figure since they already have
3 that with the college, with the county? Dr. Iaconetti.

4 COMMISSIONER IACONETTI: Well, I've always felt
5 that \$1 million is not anywhere near enough to cover the
6 county's responsibilities, and I think the \$2 million,
7 especially in this instance, is in order, and that would be
8 nice to add to the conditions.

9 CHAIRMAN STARR: Okay. So is that an amendment,
10 to change that condition to \$2 million?

11 COMMISSIONER IACONETTI: Please.

12 COMMISSIONER GUARD: Second.

13 CHAIRMAN STARR: So we have an amendment to the
14 main motion by Dr. Iaconetti, seconded by Commissioner
15 Guard, to raise the liability to the same amount they have
16 with the college, \$2 million. Any discussion? Commissioner
17 Hedani.

18 COMMISSIONER HEDANI: Personally, I think it would
19 be inappropriate to increase it, only because if it's been a
20 policy established by the county to accept liability at 1
21 million it should be the same for everybody.

22 CHAIRMAN STARR: Commissioner Hiranaga.

23 COMMISSIONER HIRANAGA: I agree with Commissioner
24 Hedani's comments.

25 COMMISSIONER GUARD: Let's call for the vote.

1 CHAIRMAN STARR: Let's vote on the amendment,
2 which is to raise the liability insurance to \$2 million.
3 All those in favor of the amendment please raise your hand.

4 (Commissioners Iaconetti, Guard, Mardfin, Pawsat
5 and Starr)

6 All those opposed please raise your hand.

7 (Commissioners Hiranaga and Hedani).

8 (Excused: Commissioners U'u and Domingo)

9 We have five in favor of the amount amendment, we
10 have two opposed. The amendment passes. So unless there's
11 any discussion or any additional amendments, we will move on
12 to the main motion. Commissioner Hedani.

13 COMMISSIONER HEDANI: It's not an amendment, but
14 it's just a comment on something. It's more a comment on
15 the format of the presented recommendation. If you look at
16 the conclusions of law as it's stated on page 2 actually of
17 the recommendation. I think it's stated in the reverse. It
18 says, "The application complies with the applicable
19 standards for a Special Management Area Permit as follows:
20 A, involves an irrevocable commitment to loss or destruction
21 of any material or cultural resources." I think what we're
22 saying is --

23 CHAIRMAN STARR: A typo.

24 COMMISSIONER HEDANI: Well, it's not a typo. If
25 you look at the report, what it's doing is it's actually

1 citing the applicable regulations of the Special Management
2 Area on page 2 of the report itself, which describes it
3 appropriately. "Standards for reviewing a Special
4 Management Area application are found under HRS," et cetera.
5 "In evaluating the action the following factors, but not
6 limited to the same may constitute a significant adverse
7 effect on the environment," and I think let's what was
8 intended on this report.

9 So I don't think it's material from the standpoint
10 of changing the recommendations, but I think for the future
11 we should make sure that it's stated properly.

12 CHAIRMAN STARR: It should be a negative in
13 there, that it does not do these things, not that it does.
14 And from a legal point of view is there anything? Okay, in
15 the future we will see that. And that was not part of the
16 motion. It took care of the recommendation. That doesn't
17 come under the recommendation, so it's not an issue.

18 Okay, members, we will call the question on the
19 main motion, which is to approve the SMA with the conditions
20 with the additional amendment that would raise the liability
21 insurance from \$1 million to \$2 million. All those in favor
22 please raise your hand.

23 (A show of hands)

24 All opposed.

25 (None)

1 Okay, unanimously carried. Congratulations. And
2 I'd like to thank everyone for this great project, which I
3 think we all feel will really be an asset to the community.

4 We are going to take a 10-minute recess. We will
5 be back at 5 minutes after 10:00.

6 MR. HIRANO: Thank you, Commissioners.

7 (Whereupon a brief recess was had)

8 Okay, the Maui Planning Commission meeting of July
9 8, 2008 is back in session, and I will ask our capable
10 Director to introduce the next item.

11 DIRECTOR HUNT: Your next I agenda item involves
12 Mr. Don Nelson requesting a Conditional Permit in order to
13 continue the operation of a short-term vacation rental in
14 the A-2 Apartment District at 210 and 220 Hauoli Street, TMK
15 3-8-014, Lot 9, in Ma'alaea. The file number is CP
16 2002/0020, and Paul Fasi is the planner assigned to this
17 project.

18 CHAIRMAN STARR: Go ahead, Mr. Fasi.

19 MR. FASI: Thank you. Good morning,
20 Commissioners, Mr. Chair. This matter arises from an
21 application for a Conditional Permit filed on September 20,
22 2002. The applicant is requesting a conditional permit to
23 operate a single-family residence as a transient vacation
24 rental in the county zoned A-2 apartment district in
25 Ma'alaea at 210 Hauoli Street.

1 At this time I'm going to have the applicant do
2 their presentation I think to give you a better
3 understanding and idea of what the project is about.

4 CHAIRMAN STARR: Okay. Before they begin, Mr.
5 Fasi, how long will that presentation be?

6 MR. FASI: About five to ten minutes.

7 CHAIRMAN STARR: Excellent.

8 MR. HIRANO: Thank you, Paul, and good morning
9 Chair Starr and Commissioners. My name is Mich Hirano with
10 Munekiyo & Hiraga, and our firm is assisting Don and Joy
11 Nelson this Conditional Permit application. Erin Mukai is a
12 planner in our office, and she will be assisting me with
13 this Power Point presentation.

14 This is a Conditional Permit application for a
15 transient vacation rental at TMK (2) 3-8-014, parcel 9 and
16 parcel 8. The applicant is Nelie's on Maui. It's owned by
17 Don and Joy Nelson. The property address is 210 Hauoli
18 Street in Ma'alaea. The property zoning is A-2 Apartment,
19 and the community plan designation for the property is
20 multi-family.

21 The subject properties are located on Hauoli
22 Street. This is Hauoli Street, Honoapiilani Highway,
23 Maalaea Harbor. So Hauoli Street runs in the north-south
24 direction, and the Nelson's property is just off of Hauoli
25 Street and it's really surrounded by apartments. This is

1 the Ma'alaea Banyon, it's about an 80 unit apartment, I
2 believe, and then this is agricultural land in sugarcane
3 cultivation on the north side of Hauoli Street.

4 This is the subject property. There are two lots
5 involved. This is the existing residence, it's
6 approximately 1,360 square feet. This is a small
7 caretaker's cottage, it's approximately 540 square feet.
8 There's a driveway into the property.

9 There was a single-family residence on this
10 particular parcel, parcel 8, but that was torn down and
11 demolished sometime a couple of years ago. So the existing
12 driveway comes into the property, it loops around, and
13 there's additional parking on the parcel 8.

14 The properties are approximately -- I believe
15 parcel 9 is approximately 39,000 square feet, and parcel 8
16 is approximately 36,000 square feet. So total the two
17 properties are just a little under two acres, 1.8, 1.7
18 acres.

19 This is the residence. If you are looking at it
20 from the Hauoli Street and looking onto the property, this
21 is the driveway into the property and as you can see,
22 there's a walkway to the facility. Again, this is looking
23 at the single-family residence from the makai side looking
24 at the property. This is the Ma'alaea Banyon on this side
25 of the property. Again, this is just another view of the

1 property from the Ma'alaea side.

2 This is the screening. I just wanted to show this
3 to give the Commissioners some idea of the vegetation and
4 the screening that is provided between the Nelson's property
5 and the adjacent properties. This is Hauoli Street. This
6 picture was taken a few years ago. This is the driveway
7 into the property looking south on Hauoli Street. And
8 currently there's now a sidewalk that is built along Hauoli
9 Street, the entire length of the Hauoli Street. There's
10 parking on this side of the street as well as this side of
11 the street. And again, this is looking to the west on
12 Hauoli Street.

13 I think the reasons justifying this request for a
14 conditional permit, it's similar in character to the
15 surrounding land uses. The use is low impact, it's one
16 single-family residence that's on about a 1.7 acres. It's
17 got ample room and buffer areas from adjacent neighborhood
18 properties, and it maintains a low density use of the
19 property. The alternative could be a higher use by
20 redeveloping the property or multi-family residences.

21 I'd just like to sum up that the intent of the
22 conditional permit is to give an opportunity to consider
23 establishing uses not specifically permitted or given within
24 a given zone. And where the use is similar, related, or
25 compatible to those permitted uses, and which have some

1 special impact or uniqueness such that its effect on the
2 surrounding environment cannot be determined in advance of
3 the use being proposed.

4 I think just to sum up that clause, I'd like to
5 just read from a letter that was submitted to the applicant
6 by Mr. Dean Holm, who lives next door, and he says, "I own a
7 condominium next door at Kana'i A Nalu, and Mr. Nelson's
8 property is surrounded by hundreds of short-term vacation
9 rental units, 80 units in Kana'i A Nalu alone. His request
10 is reasonable and consists with the usage dominant on Hauoli
11 Street. He certainly should be allowed the permit."

12 So that's all for the background presentation that
13 I have to offer the Planning Commission. We do have the
14 property manager in attendance as well as Joy and Don
15 Nelson's daughter, and we would be happy to answer any
16 questions that the Commissioners may have. Thank you.

17 CHAIRMAN STARR: Okay, thank you, Mr. Hirano.
18 Commissioner Iaconetti.

19 COMMISSIONER IACONETTI: Mich, in looking at that
20 roadway that fronts the property, it's a two lane road. Who
21 constructed the sidewalk on the makai side of the road?

22 MR. HIRANO: I believe the county did that under
23 their improvement program.

24 COMMISSIONER IACONETTI: Just in front of that
25 one piece of property?

1 MR. HIRANO: No. I'm sorry, Dr. Iaconetti, the
2 sidewalk runs from the beginning of Hauoli Street right down
3 to the end.

4 COMMISSIONER IACONETTI: I think I heard you say
5 that parking on the street was allowed on both sides of the
6 road. How much is left? And I assume they're not parking
7 on the sidewalk.

8 MR. HIRANO: No.

9 COMMISSIONER IACONETTI: How much room is left
10 for the cars to pass?

11 MR. HIRANO: It's fairly narrow. Most of the
12 heavy parking is near the beach side, because there's a
13 public beach on the south side of that park. When I have
14 driven down this road, especially in this area, the parking
15 is fairly sparse. But it is heavier on both sides of Hauoli
16 Street near the entrance to Hauoli Street and at the end
17 where the public beach is.

18 COMMISSIONER IACONETTI: Assuming that there is a
19 wedding going on, one could assume also that there would be
20 a lot more parked cars. Is there enough room if you park
21 cars on both sides of the road to allow for two-way traffic?

22 MR. HIRANO: There's also room within the adjacent
23 property to park, within lot number 8 to park cars. I'm
24 sorry, there is only parking on the other side, I'm sorry,
25 there isn't parking on the sidewalk side. I stand corrected

1 on that, thank you.

2 Chairman Starr: And our Director just reminded me
3 that, just to comment, that this is -- what's before us
4 today is regarding the TVR, not the wedding business, which
5 I believe has been through this Commission. Director?

6 DIRECTOR HUNT: Originally there was one
7 application for a wedding business and a TVR, and through
8 the process that was, those were separated or segregated.
9 The wedding conditional permit, wedding business conditional
10 permit has already been heard by this body, and it was a
11 split vote, it was four-four. It was forwarded to the
12 County Council for your decision. Now before you is just
13 the TVR. So it is just the TVR that's before you today.

14 CHAIRMAN STARR: Okay, Commissioner Mardfin.

15 COMMISSIONER MARDFIN: Mich, you just right at
16 the end of your presentation you mentioned a letter in
17 support of this. I didn't see, I don't recall seeing any in
18 my packet. Is this a new letter that's come in?

19 MR. HIRANO: I think this came directly to the
20 Nelsons.

21 COMMISSIONER MARDFIN: So we don't have a copy of
22 that?

23 MR. HIRANO: No, but I could submit a copy of it
24 to the Planning Department. I'm sorry, this was a copy.
25 Sent original to the Planning Department. So that's what

1 the note said on it.

2 COMMISSIONER MARDFIN: And this is from, it was
3 in support of the TVR application, I take it.

4 MR. HIRANO: Yes.

5 COMMISSIONER MARDFIN: And I don't need the name
6 of the person, but the person that wrote this has a similar
7 property that they use for TVR's in the neighborhood?

8 MR. HIRANO: Commissioner Mardfin, he lives in
9 this Kana'i A Nalu condominium on the south side of the
10 Nelson's property.

11 COMMISSIONER MARDFIN: He's just an individual?

12 MR. HIRANO: He's an individual who owns an
13 apartment. He's a resident in the area.

14 COMMISSIONER MARDFIN: Okay. But there was
15 something about short-term rentals in there, I thought you
16 said.

17 MR. HIRANO: This area in Ma'alaea, these
18 condominiums have short-term rentals in their premises.

19 COMMISSIONER MARDFIN: Those would be permitted,
20 is that correct?

21 MR. HIRANO: I believe there was a period that
22 before a certain date transient vacation rentals were
23 allowed, short-term rentals were allowed in the A-2 zone or
24 the apartment zone, and I think these were during that era
25 that they were permitted.