

**LANA`I PLANNING COMMISSION  
REGULAR MEETING  
JANUARY 20, 2010**

**APPROVED 02-17-2010**

**A. CALL TO ORDER**

The regular meeting of the Lana`i Planning Commission was called to order by Chair Sally Kaye at approximately 6:02 p.m., Wednesday, January 20, 2010, in the Old Lana`i Senior Center, Lana`i City, Hawaii.

Ms. Sally Kaye: Good evening everyone. We're going to call the January 20, 2010 Lana`i Planning Commission meeting to order. Let the record show we have quorum with Commissioners Rabaino, Castillo, Mano, Zigmond, Ruidas, Kaye, Green and de Jetley. I think Dwight will probably be joining us, but he's not here yet.

We have no minutes so tonight, first on our agenda is the Planning Director proposing amendments to Chapter 19.32 Planned Developments, Chapter 19.36A Off-Street Parking, Chapter 19.40 Conditional Permits, and Chapter 19.45 Project Districts. I see Joe Alueta, but I think we're going to have Kathleen instead. You don't look like Joe.

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

1. **MR. JEFFREY HUNT, AICP, PLANNING DIRECTOR transmitting proposed amendments to Chapter 19.32 Planned Developments, Chapter 19.36A Off-Street Parking, Chapter 19.40 Conditional Permits, and Chapter 19.45 Project Districts of the Maui County Code that would delegate approval and/or renewal of permits to the Planning Director and other miscellaneous revisions. (J. Alueta)**

- a. **Public Hearing**
- b. **Action**

Ms. Kathleen Aoki: Good evening everybody. Yeah, Joe couldn't make it tonight so I'm here in his place. Happy New Year! So why don't we – we'll go through them based on the title that we're amending, so we'll go in chronological order. So if you look under the subject of the main letter, you'll see Title 19.32 for the first one. If you go to exhibit 1 for that bill, section 1, section 19.32.020, on the top. Are you there?

Mr. Gerald Rabaino: Exhibit 1?

Ms. Aoki: Yeah, exhibit 1. So essentially what this bill – all these bills what we're trying to do is streamline the process. We've gotten a lot of complaints over the years that we need to start streamlining things, so this first ordinance, what we're doing is clarifying, first of all, in Planned Development we're adding in the steps – step 1, step 2, step 3 – just to make clearer to people because we talk about these steps but it was never provided for in the

ordinance. And the main change that we're making here is we're asking that any amendments that are made that are not substantial in nature can be approved by the Planning Director rather than going back through to the Council.

Ms. Kaye: Could I ask, who defines substantial?

Ms. Aoki: Essentially, I talked to Joe about THAT because I asked the same question and what I got was it's the Director's intent that if it doesn't cause any impact, if it's simply say changing a road alignment because a road – you know, say a road, that the development shows a road in a certain area but when they go to build it, they find out there's blue rock or something of that nature, or drainage, they would realign the road. So it's not going to change the development itself. It's not going to change what's planned to go there. It's not going to change the unit counts. It's just something that is minor in nature, and that is what I got. To let you know, these bills have gone through to the Moloka`i Planning Commission. For this particular bill, they wanted it to be except on Moloka`i, so we're not too surprised by that. So they didn't want the Planning Director to make that decision. They want the Planning Commission to make that decision.

Ms. Beverly Zigmond: Thank you. That was going to be my question, what did they do because I'm thinking that's what I personally would like to see on Lana`i. And non-substantial then that's really a subjective kind of thing, and it just seems like it's too loose.

Mr. Gerald Rabaino: I'm in agreement with Beverly. I'd rather have the Lana`i Planning Commissioners review the item before the Director make his final decision. It's better to share and get the Lana`i Planning Commission give him feedback before he makes the final decision because we know how the board changes, and things do change month to month. Sometimes there's unforeseen things that pop up and I think it's only right and correct that the Planning Commissioners, because we live here, we are aware of our surroundings and I think that should be more enticing for Lana`i Planning Commissioners to view before Jeff, or the Planning Director, makes any final decision.

Ms. Aoki: So are you saying you want --

Mr. Rabaino: I would favor the same structure as what Moloka`i suggested.

Ms. Aoki: Because I just want to make sure I'm understanding correctly. Do you want the Planning Commission to make the decision or do you want to provide comment to the Director? Because I'm hearing two different things.

Ms. Kaye: Well Gerry, the way it's written now under (C), it's the Commission, so it comes to us. It's not a dual thing. So if you say – Kathleen is nodding yes – so if it changes it would go past us.

Ms. Aoki: If you look at item (C), Sally is correct. We're omitting that it comes back to the Commission and changing it to the Planning Director. That's for step 2. Yeah, there's two different items on here. One is for the step 2 approval to be done by the Planning Director, rather than the Commission. And the second thing is for item (D) is that any minor or not substantial changes would go to the Director also. So that is a whole new kind of category that's being added.

Ms. Kaye: Right. So we'd probably have to either concur with Gerry and Bev so far, or discuss it in any event. And then also make a decision on whether (D) should just simply not be left in. Correct?

Ms. Aoki: Correct.

Ms. Zigmond: Kathleen, I have a question please. On the Project District Phase 3, how does that work? I'm just trying to see how that might be different or similar to this step.

Ms. Kaye: You mean Planned Development?

Ms. Zigmond: Yes. Sorry.

Ms. Aoki: The Planned Development step 3 is basically building permits when they get pulled. Building permits. So it's the building permits phase, when they come in for building permits. So what we do is we're just checking to make sure that what's on the building permit, the plans, matches everything that they provided for in the step 2 which is the description of everything.

Ms. Zigmond: So actually I was correct in saying Project District because my question was what happens in phase 3 in the Project District. I'm trying to figure out the difference or similarities.

Ms. Aoki: Between Project District and Planned Development?

Ms. Zigmond: In phase 3 and step 3.

Ms. Aoki: That's what we're trying to do. We're trying to make them all the same because right now there's – the steps are the same, but right now the approvals are different between Project District and Planned Development, and we're trying to make them consistent.

Ms. Zigmond: So phase 3 in Project District is approvals by whom?

Ms. Aoki: The Planning Director.

Ms. Kaye: I don't see any language in the existing provision that talks about step 3, and I don't see any inserted here either.

Ms. Aoki: Right, and I talked to Joe about that as well and what we'd like – I think what he suggested to me was that when this goes up to Council they will add –. Because when you look at the ordinance as it is written now, (A), (B), (C), it kind of stands for 1, 2, 3 – steps 1, 2, and 3. But when you read this, (C) doesn't say anything about step 3, but that's basically where step 3 falls. So he said that we would try to – we would add language probably after this to just add in step 3 in this item (C).

Ms. Kaye: So you're asking us to look at something that's incomplete?

Ms. Aoki: Essentially the fact that it says on here –. It talks about step 3, it just doesn't say step 3.

Ms. Kaye: And where would that be specifically?

Ms. Aoki: Under item (C), it says the owner shall proceed to prepare a unified site and building program which shall include and that is step 3. Because after approval of step 2, everything else that follows that is step 3. Does that make sense? Yes Gerry?

Mr. Rabaino: Well, I understand the paragraph (B), as you would call it step 2. But in step 3, which is (C), it says over here Title 18, and a site plan showing grading, landscaping, protected open space, location of building structure, et cetera, et cetera. My question to you is when the permit goes in, when the construction guys send in the permit or whoever is going to do the project site, the time table of that, with the amount of time which is give or take 30-days minium, does that in sync from the time when they submit the building plans for the site of development?

Ms. Aoki: Right. From what I understand the developer can take, for a lack of a better word, that risk in giving in their plans to DSA for approval, hoping and assuming that they're going to past the step 3 process. If they don't, then they need to go back because they're not going to get that permit.

Ms. Kaye: DSA?

Ms. Aoki: Yes.

Ms. Kaye: What is it?

Ms. Aoki: I'm sorry. For their building permits.

Ms. Kaye: DSA stands for?

Ms. Aoki: Development Services Administration.

Ms. Kaye: Thank you.

Mr. Rabaino: Going back to the permit, yeah. Do they still send out building inspector once the permit has been approved and mailed to the project site or the site that is requiring all of these blue prints? Do they still have an inspector, for example, a building inspector that comes and check to make sure they are in sync of what they have with the plans and how often?

Ms. Aoki: From what I was told it's every month the building inspector comes out. That's a completely different department and division so I can't, I don't want to answer. But from what I was told, they do have a building inspector that comes to Lana`i once a month.

Mr. Rabaino: Well, in layman's term, this doesn't in sync with the building inspector. This is strictly for planning. The permits section is a total different department. Is that what you're telling me? Because everything should be shaking hands down the line if you're going through this process or this routing process.

Ms. Aoki: Right. That's correct.

Mr. Rabaino: So they're not shaking hands in other words. They're not communicating with each other irregardless if you read on this second page, the transmittal.

Ms. Aoki: I guess I'm not understanding your question. I'm sorry. They have to give us all their building plans, all those kinds of things to make sure that it matches up with the step 2 approval.

Mr. Rabaino: You understand what I'm saying to you yeah?

Ms. Aoki: Then we give them step 3. If everything matches and it's in accordance to what was approved by the Commission in step 2, which is what happens in a Project District right now. The Director makes that approval for the step 3, not the Commission.

Mr. Rabaino: Well this is going through past experience because some of the community meetings I've gone to and that I'm not involved with but just as a participant, as a resident of Lana`i, you hear some of these departments coming out and they did some changes and they're saying certain people's names in the different department that they already approve of it, you know, and I'm going okay is all this back door negotiating?

Ms. Kaye: Commissioners, anyone else would like to ask any questions at this point? Kathleen, do you – is that –?

Ms. Aoki: My only last comment is that right now like we say with the Project District, the phase 3 approval is done by the Department.

Ms. Kaye: This is Planned Development. Let's just stick to that.

Ms. Aoki: Right. What we're asking for is for streamlining with Planned Developments which are similar in nature that the Director gives the approval for the step 3. We're looking at the plans. We're making sure that it meets what was identified in the step 2.

Ms. Kaye: Commissioners? I only have one question and then we'll open this up to public testimony. Bev has one too. What did you do about the Public Works objecting to this?

Ms. Aoki: With Public Works saying that there's no language that allows them –

Ms. Kaye: – yes, the review language was removed and I believe THAT I read something they objected.

Ms. Aoki: They had concerns about that, that is correct. What we can say is that they get all of the plans because they have to issue the building permits.

Ms. Kaye: Then why did they object?

Ms. Aoki: Probably because they just – I can't answer that. I don't know why they objected because they don't compare what was provided for in step 2. That's a Planning function, so we're the ones making sure that it meets the requirements of step 2.

Ms. Kaye: Yes, but the language came out of step 1. The language in moving Public Works was removed from step 1, under (B).

Ms. Aoki: No, the language for (B) is for step 2. (A) is step 1, (B) is step 2, (C) is step 3.

Ms. Kaye: I'm sorry, the one I have has step 1, upon – I see – upon receipt of step 1, the owner shall confer with the Planning Director and the Director of Public Works. That's what was removed. Got it.

Ms. Aoki: Correct.

Ms. Kaye: Okay Commissioners, at this point we'll take public testimony if anyone wants to speak on this agenda item.

Mr. Riki Hokama: Commissioners, good evening. My name is Riki Hokama, 438 Fifth Street. You know, for the life of me listening to your questions must be very intuitive because the first question that I would have is what you've been asking is why is this being proposed? Lana`i doesn't really have Planned Development zoning. We have regular zoning. We have interim zoning. We've got the two big project district zoning. This more than likely, if the Department would be up front with you as a Commission, will say that Puamana Development in Lahaina is one of the big causes of this issue with Planned Development land use designation. And the County's problems through the decades, and I say decades because that's how long I am aware of land use issue in that project because of this specific land use entitlement. I would say you might want to craft it so that Lana`i doesn't need to be involved with this type of land use category. But it doesn't make sense if you're going to go through a General Plan update. Eventually you're going to come to the revised new community plan update. Planning already is on a draft Water Use Development Plan update. To not have a comprehensive understanding of how then all of these things work, from zoning, land use entitlements, financing because it's the biggest flaw I see in this whole process of planning, the lack of financial analysis and impacts on us as taxpayers and in each taxpayer's region. How are we going to implement and do all of this in a very short time frame? So my questions to you Commissioners is, one, have the various departments tell you why this is needed now because for the life of me don't see a need to expedite this quickly. I mean, there's bigger issues in the County and each Department, currently. It needs to have a higher priority as an administration. And I hope you would maybe take the hint from Moloka`i and place this so that, at least for this island, your Commission will have another opportunity to discuss what's before the island within its residency. Thank you.

Ms. Kaye: Commissioners, any questions for Riki? Riki I have one.

Mr. Rabaino: You said this land development zoning doesn't affect Lana`i? Only the Lahaina district.

Mr. Hokama: Lahaina has a (inaudible). Because this was – see in the 1960s, I believe, the County enacted this land use ordinance, and one of the first projects that made use of it is the Puamana Development which is the entry to Lahaina town. And right now the department goes through a lot of issues because of complaints of what is appropriate use within that Planned Use Development. Finance Department goes through it because of taxation issues, of real property and various types of uses whether it's a legal or not legal activity on that property. So maybe you should ask the question, what is the purpose of keeping the Planned Development ordinance in the Maui County Code, and if it's for a specific few properties why not re-designate it into a more current appropriate land use designation? Rezone it and get rid of this old outdated thing.

Ms. Kaye: And Riki, I'm sorry, my question is a just a quick one, yes or no. I understand

there are no Planned Developments on Lana`i. Is it at all possible that there would be at some point in time, in someone else's life time?

Mr. Hokama: Anything is possible Commissioner. I would say it, to me, wouldn't make sense because there's an outdated land use option. I would consider, if the island is going to do anything major, the best way was the Project District approach which in a sense is the next step after Planned Development, you know, that the County initiated in the 1960s, so that would be my recommendation to you.

Ms. Kaye: Thank you. Any other questions Commissioners? Pat, I think you had your hand up.

Mr. Fairfax Reilly: Pat Reilly, 468 Ahakea Street. Aloha. These bills talk about streamlining which, to me, is a code word for taking decisions away from the Planning Commission and moving it to the Director's office. To me with our community plan coming up for revision, the number of things that are going on on the island with respect to classification of land and zoning, I don't think this is the time for the Lana`i Planning Commission to give up its ability to make decisions about how land is used. This may be appropriate at a later date, but I would agree with a statement from Moloka`i, not for Lana`i. Thank you very much.

Ms. Kaye: Thank you Pat. Any questions for Pat, Commissioners? Any other testifier at this point? Okay, public testimony is closed. I'm sorry. Ron. I apologize.

Mr. Ron McOmer: Good evening. Ron McOmer. Lana`i. A good example of this is what went on when the CRC, that companies over lobbying the County to cut the area down for our town being designated as a historic site. It went right over our heads. We didn't see it. This is a good example. I have the same concerns that Public Works has got – yeah Public Works has got. We need to see this stuff. It might be minor. It might be manini, but Lana`i needs to be involved with it. So please put that in there that same thing as Moloka`i. Don't by-pass this. We've already got stung with the town core being cut down half the size and dealing was done over there. It wasn't done in front of us. I know you guys don't see that stuff, but still, we were excluded from it. Thank you.

Ms. Kaye: Thank you Ron. Commissioners, any questions for Ron? Anyone else would like to testify? Okay, public testimony is closed. Now we will have Planning Department's recommendation.

Ms. Aoki: I have your recommendations then. It pleases the Commission that you would like to follow the recommendations made on Moloka`i. So for (C), they did not want the change from Commission to Planning Director. And for (D), they added, except on Moloka`i in the beginning of the sentence, so we could say except on Lana`i.



Ms. Kaye: Well, no, those are the things we've discussed. And you're not going to make a Planning Department recommendation? You're just reading us back our own?

Ms. Aoki: Our recommendation is for these changes to be made. Like I said earlier we're trying to streamline the process. This is already the process in Project Developments. It is true that Lana`i does not have any Planned Development zoning or approvals, so right now it wouldn't affect you. But Riki is correct, you don't know what can happen in the future. Somebody could apply for it, so I don't want to mislead anybody that it can't happen here because it can. And again, the non-substantial changes or amendments was simply to avoid having to bring the entire project back to the Commission if it's something that has no major impact on the approved project as stated in step 2.

Ms. Kaye: Okay, so let's just clarify for the Commissioners, some of whom are newer than others. This is Department generated.

Ms. Aoki: Yes it is.

Ms. Kaye: This is not coming from County Council.

Ms. Aoki: That's correct.

Ms. Kaye: We're not under any time line. I'm just cataloging my facts here. And our choices are the same four that we usually have?

Ms. Aoki: Right.

Ms. Kaye: Okay, so here are our choices Commissioners. We could recommend approval. We could recommend approval with amendments. We could flat out recommend denial. And we could defer and/or we could defer for a specific information. So those are the four options before us. We now have the Planning Department's recommendations so it's up to us for last questions of the Planning Department, and discussion on our part.

Mr. Rabaino: Well, as I said earlier, I think we should follow the Moloka`i one with some recommendations from Lana`i side. That's the way I feel because we can't foresee what's going to happen in the future.

Ms. Kaye: So Gerry, your recommending approval? You're recommending approval with the recommendations, the amendments, to go with it, which would be that (C) should stay as it is that step 2 changes come before the Commission and not the Planning Director, correct? And that (D) could stay the way it is with the exception at the end, it would say except on Lana`i?

Mr. Rabaino: Correct.

Ms. Kaye: Are you making a motion?

Mr. Rabaino: Yes. Call for the question.

Ms. Kaye: We need a second, Gerry, hold on.

Mr. Rabaino: We need a second, sorry.

Ms. Kaye: Bev on the mic please.

Ms. Zigmond: I second.

Ms. Kaye: Okay. We've got a motion on the floor to recommend approval with the amendments that section (C) remains the way – the language in section (C) remains the way it is. The last sentence remains Commission and not moved to Planning Director. And (D) should have comma except on Lana`i at the end. Any discussion? I would just like to throw out for discussion purposes as several of our testifiers have pointed out and as we are well aware we have very, very little discussion making capabilities on this island. We have very little representation on a local level and one of the questions I had on all four of these is why now, and why in this language and what's behind it? And I think Riki raised that very adequately. Okay, no further discussion, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Opposed? Okay, motion carries.

**It was moved by Commissioner Gerald Rabaino, seconded by Commissioner Beverly Zigmond, then unanimously**

**VOTED: to recommend approval to County Council with the amendments, to Chapter 19.32, as provided and discussed by the Lana`i Planning Commission.**

Ms. Kaye: Okay, next we have, Kathleen is going to speak to us about section 19.36 off-street parking.

Ms. Aoki: This bill, what we are proposing to do is to, again, try to streamline the permitting process. Right now if there is a need to do an off-site parking approval for a project, it does come before the Commission and we're suggesting that the Department make that decision. That's one. Let's get to exhibit 1. So under 19.36.030 at the top, we're asking

that Commission be removed and replaced with the Planning Director. So the Planning Director would determine that the off-street parking requirements are being met by meeting these requirements that are stated in the code, that it's within 400 feet, et cetera.

The second change is essentially what happens now is that we're just trying to correct something that already exists. It's actually in the code that when you are in a ingress and egress of a parking space on any public street, alley or walkway, you're supposed to come out head first. You're suppose to be able to turn around within your driveway and head out head first, and obviously that's not being enforced. And the way all of our neighborhoods were built, a lot of that is just not possible. So we're trying to correct that by adding in, and this would be under (A3), that except for single family dwellings, ingress and egress in a local street. So in other words, you would be allowed to legally back out of your driveway. You wouldn't have to turn around in your driveway. And again, we tried to focus on it being local streets. We're not talking about major thoroughfares.

The third issue that we wanted to address was instead of having the requirement that parking spaces for three or more stalls be individually striped. It be increased to five. That was just to address some of the smaller businesses, or TVRs or B&Bs that are being approved. When they have more than three parking spaces, they're now being required to paint lines, so we're trying to bump that up to five to avoid that case.

The last issue that we wanted to address was for five – that's been changed to seven – is loading spaces shall not be located on any public street, comma, alley or walkway. Right now walkway isn't on there, and there's been complaints where people are doing loading and unloading on actual sidewalks and walkways, so we wanted to add that to prevent that from happening. And that was it.

Ms. Zigmond: Madame Chair? Two questions please, Kathleen, of course, what did Maui and Moloka`i do?

Ms. Aoki: Moloka`i approved.

Ms. Zigmond: And in the little table here, on page 1, it says allow for specific exemptions as listed in the code. What kind of specific exemptions, and are they infinite in number? Are they, you know, is it a small category of them? Can you explain that please?

Ms. Aoki: Let me look under –

Mr. David Green: Where's that?

Ms. Zigmond: Off-street parking –

Ms. Aoki: It says unless otherwise provided by this code, off-street parking shall comply with the following specifications. It's line 23.

Ms. Zigmond: It says on the very first page here, it's at the bottom, it says allow for specific exemptions as listed in the code, so that's –

Ms. Aoki: That's being added, right, to say that if the exemption is allowed in the code, then this isn't going to apply. So Moloka`i, there's absolutely no comments. They just approved it.

Mr. Green: I have a couple of questions just to make sure I understand this. In the line 16 and 17, it says and as approved by Commission in brackets, and then Planning Director. What does it mean within distance of 400 feet to the nearest point of the lot, and as approved by?

Ms. Aoki: Well, first, it has to be within 400 feet. So there's two requirements. It has to meet that, and then the Planning Director has to certify that and make that approval. So you can't just come in and say, oh, it's within 400 feet. It's still something that requires Commission approval at the time, and now we're just –

Mr. Green: In other words they're validating that –

Ms. Aoki: Right.

Mr. Green: – that it is in fact within 400 feet?

Ms. Aoki: Right.

Mr. Green: And I think you've answered this, but the definition of loading space is pedestrian or goods or all of the above? Line 47.

Ms. Aoki: Thank you. The loading space is right. That's where – yeah – unloading, loading. Loading space means a space of berth or area of land outside the boundaries of a street, alley or other public right of way, and situated on the same lot with the building to be served or contiguous to a group of buildings for the purpose of providing temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which is readily accessible to vehicular traffic by means of a street, alley or appropriate access. So we're just saying don't put that on a walkway. It's supposed to be for pedestrian use, not for a parking space.

Ms. Kaye: Commissioners, any other questions? Kathleen, I have one for you.

Ms. Aoki: Yes?

Ms. Kaye: I have noted in this section that we've been tinkering with this for about two years. First time it came to us was, I think, in 2006, this off-street parking, various provisions Joe has brought. It seems very piecemeal. Is there some rhyme or reason why this is in front of us now?

Ms. Aoki: All I'm aware of is that the Director is trying to do his best to try to streamline things and clean up Title 19, so –

Ms. Kaye: Why was this not all done at one time? I mean I have a note that on 6/08 we took out, and suggested that required under 19.36.020 come out, under 19.36.030 it come out. It was section (c), it was recommended to be added in 36.050. It's just there's been a lot of attention to off-street parking with very little rhyme or reason.

Ms. Aoki: Well, my only response to that is that as we start filling up our houses and we get more and more cars, we're getting more and more issues with parking. And now with the TVRs and B&Bs permits coming in a lot more, and we've approved over 30 which is more than we approved over the last how many years. There's issues with the parking with that as well.

Ms. Kaye: Okay, I get that on Maui island. I think on the island of Lana`i, though, parking is very, very different and very unique and I would hate to see us give up review.

Mr. Rabaino: My question is regarding under 19.36, paragraph, under (A), line item #6, aisles width in feet. You have a standard car with 12, and a compact car with 12. You have no mention of vans or trucks. Sometimes when you park a truck in a stall, it doesn't fit. So this is only regarding cars, and if you referring to commercial areas, you have all type of vehicles going in there. So what is the standard, irregardless of compact? Because you have vehicles like big truck, dump trucks going there. You look at the SUVs coming out now. And you have all these different widths because I went in my yard and measured the tape measure and I'm going hum. And compare from a small truck to a regular 4 by 4 truck, there's a big difference in length, and you're talking about aisles and you're only mentioning cars, standard and compact, what about trucks?

Ms. Aoki: What I'd like to do is I'm asking James to bring up the code because that could be something that's addressed in (A) that's otherwise provided by this code. It could be that if you are doing a certain type of project or you're doing commercial business, there's certain requirements that you have to meet within the building code, so I can't imagine that it's all the same for every type of use. So it could fall under that otherwise exception, but I don't know until he looks it up.

Mr. Rabaino: Well, my concern with this off-street parking, yeah, because if you look at our little town, we have limited parking. So when everybody comes out and start parking, you have to find other avenues. And then when I look at the school when the school is in session, being that, that route, the Fifth Street is also going to share the same means of this off-street parking. Now we have this folder in front of us with the housing, affordable housing, and it also shows the parking. So I think we should tackle this right now and get clarification because with all these future developments coming back to back, the way I see it, providing that it is approved and moves forward, both financially and the construction and the economy, you guys are leaving out the mix. If you look at just this, you guys leaving out the trucks and vans.

Ms. Aoki: Till I look up the code, I can't answer you.

Ms. Zigmond: Kathleen, I have a question. This applies to all the bills in front of us, and it's really manini and has nothing to deal with the substance of the bills themselves, but in each of these, it references general and community plan statements, and then it lists all the different community plans except for Lana`i. And I'm wondering do our community plans not address any of these or were we just over looked?

Ms. Aoki: Well, I'm going to trust that Joe did not over look it and there's just no relevant policy in your community plan.

Ms. Kaye: Okay, while James is looking at the code, Commissioners, any other questions? Do you want us to move to public testimony while you're looking?

Ms. Aoki: Sure. That would be great. Thank you.

Ms. Kaye: Public testimony on this agenda item? Pat?

Mr. Reilly: Pat Reilly, 468 Ahakea. You know the questions you're asking if you're not seeing the full box of wax, so if you have to –. We're talking about this code, and we're talking about building codes, and we're talking about every required off-street. Well what is required? Where is that? What's happening before the Planning Commission is this great transition from interim zoning to now you've got to comply when you do anything when you build a building. And we just had an example of a lot very close to the post office that had to comply with this, right? And it didn't quite fit our concept of Lana`i, but once somebody constructs it, they have to comply with it. I don't have any problems with except for single-family dwellings, egress and ingress a local street, but again, I would say the Commission ought to stay in control. If you have a choice, you stay in control. And secondly, until – I don't know if you recall but the company actually came before you and wanted to make a special district down here with – to exempt the downtown area from these kinds of codes because of the nature of the downtown area. Otherwise, if people

build these facilities they will have to comply with it in little segments. And now, what I'm hearing now is you're talking about bed and breakfast, you're talking about transient vacation rentals – you know, except for the part where it says for single-family dwellings ingressing the egressing, I can't buy this for Lana`i. So except for Lana`i. But except this was already in place, except for the amendments that are requesting. And I get very nervous by that word streamlining because streamlining – maybe streamlining for the Planning Director. You know, I'm sure all these permits and that drives them nuts, but you've got to worry about here. Thank you.

Ms. Kaye: Thank you Pat. Commissioners, any questions for Pat? Any other public testimony? Okay, public testimony is closed.

Ms. Aoki: We're still trying to look it up.

Ms. Kaye: Well, assuming you don't get there right away, do you want to just close with your approval and your recommendation?

Ms. Aoki: Right. So the Commission has the option to approve the Department's recommendations as provided to you; you can approve with conditions; you can deny or you can defer for further information.

Ms. de Jetley: Commissioners, one of the things that I'm really worried about is right now we're going to be looking at an affordable housing project. If you go through this whole town, all of our parking for single-family homes is substandard. If you go down to Olopuia Woods in the evening, the streets are packed with cars. You can barely get an emergency vehicle through. We really need to think seriously about what we want our island to look like, and I don't want it to look like we're all living in a parking lot. Houses need to have parking for their vehicles of that family. The ingress and egress on certain main roads – I live on Fraser and I have to back out of my parking space. My house is 3,300 square, my lot is only 3,300 square feet. There's no way that I can park a vehicle on the side, pull in and back out. And that is really not acceptable because it's so one faced. I've had several close calls, and I'm not really on the main street. I'm on Fraser Avenue. So we really, really, really have to think about how parking in the future is going to affect our island.

Ms. Kaye: So Alberta, how does in address your concerns?

Ms. de Jetley: I want to make it more restrictive so everything has to come back to us to review.

Ms. Kaye: Okay. That's only the first section, 030, how are they going to manage provisions? I think they are very valid concerns.

Ms. de Jetley: Well, if you look at the loading spaces, that's a problem now because I see people loading and unloading on my block, so that's already a problem in our community. Maneuvering, for 113, under (A), that's a problem now. There's a whole lot of things.

Ms. Kaye: I think your question is they're adding an exception for local street and these just characterize your street as a neighbor street, so I don't see how this –

Ms. de Jetley: Well, Lana`i Avenue and Fraser Avenue are major streets. Do you want to see more houses build where they're going to allow them to back out into the street? I don't think it's safe. If we build another subdivision are you going to allow people along a main thoroughway through that subdivision, the main road in and out of that subdivision, which will be Fifth Street, are you going to allow them to back out into Fifth Street?

Ms. Kaye: Commissioners, any further questions?

Mr. Rabaino: What Alberta is referring to – and I kind of agree with her – but I'm going through this one, under (A), line item 3, where it says a parking space shall be arranged so that maneuvering is – and then from parking space shall occur in public street, alleys and walkways. Okay, public streets, the two main highways is Fraser and Lana`i Avenue, as well as the commercial zoning area where Richards, Pine Isles, Ilima, we don't have ample parking. Everybody has to park and it's not designated as parking. It's just regular roadways. I can see where she's coming from, and I also understand that, you know, you're going Ilima, they don't have any parking. Everything is surrounded around the city, the parking. So if we're looking at this public parking and the congestion it gets, including when get barge date, there's not enough parking. Period. You know, the way they putting this, it seems like it's for Maui, not Lana`i.

Ms. Kaye: Okay. Let me just ask a question then of Kathleen so we can try and clarify this. I don't believe that this is going to change. It's not going to add any parking. It's not going to restrict any parking. It simply changes, the first section, takes the power away from the Planning Commission and gives it to the Planning Director. As I read section 13, you would now be permitted to back out from a local street. And so when you build that housing development, you are going to be able to back out if this language is added, where before you couldn't.

Ms. Aoki: Correct.

Ms. Kaye: And nobody suggested it, and I certainly don't see any problems with paving parking areas, moving it from three to five. But the other two, I think, we need to be clear on what they are recommending.

Ms. Aoki: Chair, if I may, we got the code up. So Gerry, your question seemed to focus



more on compact stalls, or the sizing of stalls. Is that correct?

Mr. Rabaino: Yes.

Ms. Aoki: There is, in the code, actual size. It's not written on here because we weren't addressing it. But 19.36.040 talks about the size or dimension of the actual stall, so there's provisions in there that talk about how it shall not be less than eight-feet, six-inches in width, and not less than 18, so it defines it in there. So this section six is not about the actual size of the stall. It's about the width of the aisle.

Ms. Kaye: Commissioners, further discussion?

Ms. Zigmond: Madame Chair, from my understanding this bill is mainly – I mean with those few changes which really don't address us that the main item of concern is the taking away of the approval from the Planning Commission and giving it to the Planning Director. Consequently I am making a motion to approve this bill with the exception of Lana`i. So I guess that would be to approve it with amendments, and that amendment is saying not on Lana`i.

Ms. Kaye: So wait, let me be clear. 19.36.030 you're recommending, you're moving that the language stays as it was formally written or you're saying it's okay to put it in the hands of the Planning Director and say except on Lana`i where it should stay with the Commission?

Ms. Zigmond: Yes, I have no problems with the changes in this bill for Maui or Moloka`i. I have a problem with this for Lana`i, so –

Ms. Kaye: We have a motion on the floor.

Mr. Rabaino: I second the motion.

Ms. Kaye: Discussion?

Mr. Green: Can I ask for a clarification? Where does except on Lana`i go?

Ms. Kaye: Actually at this point is where we would turn to Colleen and ask her to craft us statutory language that would work, so now we're going to ask you Kathleen.

Ms. Aoki: Well, I just want to clarify with Bev that you're – is this for the entire – except on Lana`i even for the paved parking, even for the ingress and egress, even for the walkways, or are you just talking about the off-site street parking approval? There's several changes in section 1, section 2.

Mr. Rabaino: I guess it refers to the off-street, section 1, every required off-street parking space.

Ms. Aoki: Okay. So just for that section alone, we can put a comma, except on Lana`i.

Ms. Kaye: Well, but wait, if the language is going to remove the Commission and put in Planning Director, and then you have a comma except for Lana`i, you leave it in limbo. So you either have to say, we don't approve the Planning Director for that section.

Ms. Aoki: Yeah, I would say that you should deny, do not approve this recommendation. Yeah, if you don't have a problem with it on the islands then you should say, except on Lana`i.

Ms. Kaye: Right, but my question still stands. If the changes go through –

Ms. Aoki: What was your suggestion?

Mr. Joseph Prutch: Just as a suggestion, because this is for everybody, all islands so as approved by the Planning Director, comma, for the Commission on Lana`i.

Ms. Kaye: Or the Lana`i Planning Commission. No, but that's either or. You have to say except on Lana`i where it shall be approved by the Planning Commission. That's the cleanest way to do it. Okay, now that's a motion that deals with the first section. Now we still have the changes to the remaining sections. So having differentiating them I think I need another motion please.

Mr. Rabaino: Madame Chair, are you referring to (A)2, 3, and 4? Wait A2 –

Ms. Kaye: Okay, my understanding is what we just did is we made a motion that was limited to the very first section, 19.36.030's location. Now we've got section 2, 19.36.060, which has all the other changes recommended, which I think after discussion, I'm not sure we had problems with. And so I need a motion, I think, to deal with that section. We've already moved and seconded. We could amend the motion.

Mr. Rabaino: Okay, I have a question then for Kathleen then. In section (A2), additional space resulting from stacking of vehicles. What is your clarification of stacking of vehicles? I'm thinking of stacking, or you say stacking this way?

Ms. Aoki: There's no changes being proposed for that language so it's just remaining as its always been.

Ms. Kaye: That's in there currently and it's not recommended to be changed Gerry.

Mr. Rabaino: Okay. Then we go down to (A4) where there's paved parking areas from three to five.

Ms. Kaye: Okay, Bev, I'm sorry, and Gerry, you made the motion right, and you seconded it; and Kathleen asked you for a clarification and you limited it to the first one. Okay, now we're in discussion, we haven't voted. So do you want to add in anything to that motion or are we going to vote on just that part and then move down to the next section?

Ms. Zigmond: . . . (Inaudible. Did not speak into the microphone) . . .

Ms. Kaye: No, no. Your call.

Ms. Zigmond: Is it cleaner if we do the whole thing?

Ms. Aoki: It's completely up to you.

Ms. Zigmond: I can move to amend that motion to say whatever we said for section one, and approve the remainder of the bill.

Ms. Kaye: And approve the recommended changes to the remainder of the bill.

Ms. Zigmond: Yes. Thank you.

Ms. Kaye: Gerry, you seconded.

Mr. Rabaino: For the record, I will second again.

Ms. Kaye: Okay, everyone clear on the motion? Any further discussion?

Mr. Rabaino: Call for the question.

Ms. Kaye: All in favor?

Planning Commissioner: "Aye."

Ms. Kaye: Opposed?

Ms. de Jetley: Nay.

Ms. Kaye: One opposed, Commissioner de Jetley.

**It was moved by Commissioner Beverly Zigmond, seconded by**

**Commissioner Gerald Rabaino, then unanimously**

**VOTED: to recommend approval to County Council with the amendments, to Chapter 19.36, as provided and discussed by the Lana`i Planning Commission.**

Ms. Kaye: Okay, next we have recommended changes to Chapter 19.40 Conditional Permits. Kathleen?

Ms. Aoki: Thank you Chair. Similar to the other bills, again, this is trying to streamline the process. Conditional permits are approved by the County Council and what we're looking at is if an amendment or condition, non-substantial change is requested of the conditional permit, we are suggesting that it not go back to Council for approval, if it's non-substantial. And also for time extensions, the provision right now mandates that an extension has to be filed at least 90-days prior to the expiration of the permit. And what we're suggesting is that if there's good cause for that not being done within 90-days that the Director can accept the extension.

So let's look at exhibit 1 and we can go through and I can tell you what Moloka`i Planning Commission stated. Under section one, (A), the change is suggested that the Planning Director may approve changes to the conditional permit if the changes are not substantial and do not result in significant impacts above what would result from the approved conditional permit. The Moloka`i Planning Commission asked that the Planning Director be removed and changed, for Moloka`i, it be the Moloka`i Planning Commission.

For section two, again, the language being proposed is that by the Planning Director provide it meets the following criteria. So we provided a few criteria that would have to be met in order for the Planning Director to make that decision. On Moloka`i, they asked that it be the Moloka`i Planning Commission.

Ms. Zigmond: Kathleen, can I stop you there for a minute?

Ms. Aoki: Sure.

Ms. Zigmond: Item (C), under section 2, agencies do not identify new concerns that need to be mitigated. So are we saying that conditional permits will not be extended or will be extended with that?

Ms. Aoki: If there are no new concerns that the Planning Director would be able to provide that extension.

Ms. Kaye: Okay, I have a follow up question on that too. If this would pass to the hands

of the Planning Director, how and which agencies would never know about it. And so how would they be able to make comment?

Ms. Aoki: The agencies would – what normally happens for conditional permits is that they are asked for review and comment like Public Works, et cetera. Just similar to B&Bs.

Ms. Kaye: Yeah, but this is an extension. This isn't the original granting of the conditional permit.

Ms. Aoki: Correct, but –

Ms. Kaye: So how are the agencies even going to know?

Ms. Aoki: We're going to transmit comments. Just like with the B&B permits with an extension.

Ms. Kaye: Okay, that was my question. So you would automatically send out for agency comments just as you would – agency comments – just as you would when it initially came forward.

Ms. Aoki: Right. So they would be notified that an extension is being applied for and do they have any comments. And if there was no – sometimes they might come back. What we found with some of the B&Bs is that Public Works is letting us know if there's any kind of building issues that may be holding up, if it has an impact on the B&B or it may not be relevant to the B&B, similar to that.

Mr. Green: Can you give some examples of unusual circumstances in line 5?

Ms. Aoki: I'm sorry, what line did you say?

Ms. Kaye: Unusual circumstances.

Mr. Green: Second page, line 5, the Planning Director may consider unusual circumstances that prevented an applicant from filing a timely extension –

Ms. Aoki: Sure. Sure. Say you have a case, you know, when I talked to Joe about this because I asked him what kind of unusual circumstances come up. You might have a situation say if someone is sick or their husband is ill or they've been in the hospital or they're taking care of their mother or something that just prevented them from filing for the extension within that 90 day period. So it's something, again, it would be subjective, but, not, oh I forgot. There has to be a valid reason or something that prevented that person from doing it.

Ms. Kaye: And I have a follow up question then. How far out? I mean, I had circled unusual, and then who decides what's unusual, and then how far would you go? I mean, you don't address at what point it would simply be terminated and you'd have to start over. You just say if they don't make it within the 90-days, but you don't say on the 90<sup>th</sup> day it's over. You're leaving, opening the possibility this could be 30-days past the expiration date, so it's really not very clear.

Ms. Aoki: Yeah, I see what you're saying. The intent is that if it's not done by the time the permit expires, it expires. You don't get to have additional, beyond 90-days. So on the day the permit expires, it expires. If you have not applied for an extension, you're going to need to go through the entire process again.

Ms. Kaye: And since you've told us without us asking what Moloka`i did on the other two, they left this one alone?

Ms. Aoki: No. I didn't get there because he asked a question, but they asked that it remain with the Moloka`i Planning Commission as well.

Ms. Kaye: Okay Commissioners, any other questions? Okay, can we have public testimony? There's Pat. Thank you.

Mr. Reilly: Thank you. Pat Reilly. 468 Ahakea Street. One, Lana`i is different. You have one major land owner. You've had permits come before you with conditional permits which means they have conditions, and if you don't get to see it, you can't ask the questions if the conditions have been met. Keep it on Lana`i. Thank you.

Ms. Kaye: Thank you Pat. Any questions for Pat, Commissioners? Any other public testimony on this agenda item? Ron?

Mr. McOmbler: Ron McOmbler. Resident of Lana`i. Same thing, we need to know what's going on. And we need to know what those conditions are if they've been met or not. We've had several things at Manele that their conditions with their development, like their parking, shoreline parking, that we caught on one of the permits, that they weren't doing and they went forward, and they were trying to go forward without finishing those conditions. So we do need to be a part of it. You guys need to put that in there that Lana`i needs to see, no matter how manini it may sound, you still needs to be a part of it guys. Thank you.

Ms. Kaye: Thank you Ron. Any questions for Ron, Commissioners? Any other person wishing to testify? Okay, public testimony is closed.

Ms. Aoki: Thank you. So based on the suggestions that were made, the Lana`i Planning

Commission can chose to approve the department's recommendations, you may approve it with conditions, you can deny the department's recommendation, or you may defer it with further information.

Ms. Kaye: Kathleen, I have a point of clarification.

Ms. Aoki: Sure.

Ms. Kaye: One thing that troubled me about this language is the additional language under (A) is new, and it permits the Planning Director to approve changes for this, you know, undefined "not substantial." (B) is left alone and could request the Commission to review, may request the Commission to review a request to amend or delete. I don't see much difference between amending, deleting and changing, so you're setting yourself up it seems to me for word smithing challenge down the road. With that said, in the past, (A) without the new language simply said how it was granted, (B) allowed or permitted the Commission to be able to change it.

Ms. Aoki: You're right. I think it was just the Planning Director's intent that language be added that if it were not substantial that it would not need to go back to the Commission and the County Council.

Ms. Kaye: But I guess what troubles me is that Moloka`i leaving that language in, but changing it to them, they're saying in both sections that they're really doing the same thing.

Ms. Aoki: Right.

Ms. Kaye: So our choice, it seems to me to recommend if we would want to follow that path and our testifiers have recommended to keep it on island to say we don't approve of the changes to that. Now, with that said, if this goes and County Council approves it, then where are we? I'm sorry, no offense to Joe, but this was not really well drafted.

Ms. Aoki: I can take your comments.

Ms. Kaye: I guess what we could do is leave it and do again, except on Lana`i, after the additional language and leave everything else alone. I'm just talking about 19.40.080, the first one.

Ms. Green: I think it seems to me it's the same situation as the last one. It's likely to get, if we recommend removing the addition and the County Council – yeah, I think we have to add something at the end like we did on the last one.

Ms. Kaye: What did Maui island do?

Ms. Aoki: They haven't reviewed the bills yet.

Ms. Kaye: Okay.

Mr. Green: By the way I support keeping the decision making on Lana`i on both 080 and 090.

Mr. Rabaino: I'm in favor with David, with what he just said earlier. And so the Moloka`i – what was the Moloka`i's one again?

Ms. Aoki: Moloka`i just simply stated that they wanted the Moloka`i Planning Commission rather than the Planning Director.

Mr. Rabaino: I would also accept too that it stays with the Lana`i Planning Commission. So we need a motion right?

Ms. Kaye: No, no, no. Hold on, I'm not finish with thinking about this as accepting it, okay. Unless you just want to deal with this one section at a time which would be great. I'm not clear on the change to extensions. I understand the new language and I concur if everyone agrees it should stay here then we would do by the Lana`i Planning Commission. And I understand now what you mean by agencies. Now what happens, though, with the phrase on line 48, if administration changes to Planning Director? I'm not sure how that fits into this.

Ms. Aoki: Let me pull up the code. First of all I just wanted to remind the Commission that it's County Council that approves these, not the Commission, so you're just a recommending body. So with extensions, the way I'm interpreting this, and maybe Corporation Counsel can provide some clarifications too, but if you're applying for an extension and if the administration which I would take that to be the Department, determines that there's no substantial change in the original application, a public hearing doesn't have to be held. So if they're just coming in, and saying they want to do the exact same thing, we want an extension, we would not need a public hearing for that. So, they're probably clarifying administration to say it's actually the Planning Director.

Mr. James Giroux: Just a point of clarification, I think, the way it reads now is that it already reads that no public hearing need be held. However, it still have to go through the process of the conditional permit process which means that the application does end up going to the County Council. Yeah, the word administration would be the Planning Director.

Ms. Kaye: But, you say it doesn't –. Okay, then I'm very confused because if you would recommend that shall be made and approved by the Planning Director, conditional permits shall not be extended, blah, blah, blah, must be applied for no later than 90-days and



approved by – let's just read through – Lana`i Planning Commission provided it meets the following criteria, (A), (B), (C). And then we get down to if the Planning Director determines that the use does not qualify for an administrative review, the time extension shall be processed in the same manner as the original application. Which puts us back to the Planning Commission.

Mr. Giroux: Again, this is coming from the Planning Department, so our department hasn't thoroughly reviewed this. But you're asking how does the, as written, how does 19.40 jive with 19.40.080?

Ms. Kaye: No. My question is how does 19.40.090, first paragraph, if the language would be changed to the individual planning commissions reconcile this.

Ms. Aoki: Right. Line 48.

Ms. Kaye: Line 48 and then the rest of the sentence.

Ms. Aoki: There's a conflict. There would be a conflict.

Ms. Kaye: There would be a conflict.

Ms. Aoki: You can either chose to, if there's a conflict with 48, then to make it consistent, you would change to the Lana`i Planning Commission.

Ms. Kaye: But then that just becomes redundant, instead of consistent.

Ms. Aoki: Right. Well, it wouldn't make any sense because it says the use is not qualified for administrative review.

Ms. Kaye: Exactly.

Ms. Aoki: So I would say that you would chose to not accept this recommendation.

Ms. Kaye: Would it be possible to say that we would, for example, deny? We recommend denial of this for obvious conflict in language. But, in the event if it wasn't, that every reference to Planning Director should be Lana`i Planning Commission?

Ms. Aoki: Let me ask. Is that possible? The question is can they recommend denial of the proposal, but then in the event that it is heard that wherever it says Planning Director, they put Lana`i Planning Commission, or would that be –?

Mr. Giroux: . . . (Inaudible. Did not speak into the microphone) . . .

Ms. Aoki: Comment. It would be made as a comment.

Ms. Kaye: We could also defer and ask you to re-write it and bring it back.

Ms. Aoki: That's true.

Ms. Kaye: Could we do that? I mean, given the problems with this one, I think that might be the wisest course.

Mr. Rabaino: Can I make a motion? Can we defer and then it comes back to us for better clarity?

Ms. Kaye: I think what we'd like to add, we'd like to defer this and recommend the Planning Department resubmit it to us with some of the conflicts resolved. Is that alright, Kathleen?

Ms. Aoki: Yes. Yes.

Mr. Rabaino: That sounds better, but yeah, on the same level. That's the motion I would like.

Ms. Kaye: Stanley, second?

Mr. Matthew Mano: I second the motion.

Ms. Kaye: Okay, Matthew second. Any further discussion? Okay, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Opposed? Okay.

**It was moved by Commissioner Gerald Rabaino, seconded by Commissioner Matthew Mano, then unanimously**

**VOTED: to defer the recommended amendments to Chapter 19.40 Conditional Permits, and requested the Planning Department to resubmit for further clarification as requested.**

Ms. Kaye: Okay, next on the agenda is our final one, recommended changes to Chapter 19.45 Project Districts.

Ms. Aoki: So, again, Planning Department is proposing changes to Title 19.45 Project Districts. The first change, in exhibit 1, if you refer down to lines 24, 25, 26, we're adding in language of special uses and other development standards. This basically follows other language in other zoning categories where special uses are identified. Within the project district, we want to be able to identify them in this ordinance, so we've added that in. Other development standards could mean if a project district comes in and say they want to do non-conforming road sizes, or they've identified what it is that's considered sort of non-standard, or the way they want in their project district. So it would all be identified in the phase 2 approval.

So line 36-37, we added language in accordance with representations made to Council. There are instances where when the project district is up before Council there might be suggestions or comments, or indications that the developer is going to do something specific but there's no conditions put in it. So this qualifies that we can in fact hold the developer accountable for what is said on the Council floor.

Ms. Kaye: Can we just stop you right there and wonder why the line above that, agreements with the Mayor or his, does that mean his or her?

Ms. Aoki: That's a good point. Is that a recommendation that we go back and look at his or her because we can do that.

Ms. Zigmond: Well, besides being politically correct, I mean, in general, we do have a female Mayor.

Ms. Aoki: That's correct. That wasn't looked at as part of the changes.

Ms. Kaye: And with respect to that phrase itself, in accordance with the representations made by the applicant to the Council? Is there any little room for representations made by whom if you don't identify the party?

Ms. Aoki: Well, I would say because it's by the applicant, that it's assumed. If you wanted to add that language in, I can put that in as a comment or suggestions.

Ms. Kaye: Can I ask why unexecuted agreements shall be submitted to Council was removed?

Ms. Aoki: I don't know. I'm going to have to get back to you. If you'd like to defer this one, you can do that.

Ms. Zigmond: I'd like to say some thing, on moving down to section, to part (B), 1(a), I'm a little surprised there's no mention of water. Would that not be something in a phase 2

that you would want to talk about?

Ms. Aoki: I'm sorry, Bev, where are you? Part (B) –

Ms. Zigmond: On (B), phase 2 approval shall be processed as follows. There's item 1(a), and it says it's going to talk about all these things like drainage, parking, utilities, blah, blah, blah, but it doesn't mention water.

Ms. Aoki: The water would fall under its own ordinance and category and not basically within the project district. I mean, they're still going to have to follow show me the water bill. This is for Planning purpose and for the project district. That doesn't mean that the water doesn't get reviewed. It's just separate and done by the Water Department.

Ms. Kaye: My understanding of the water availability bill is it kicks in when subdivision is applied for. Is that correct? Is that right?

Ms. Aoki: Right.

Ms. Kaye: Okay, so at what point, in this, just for our clarification, phase 1, phase 2, phase 3, when do you go in for subdivision approval?

Ms. Aoki: I don't know for sure, but my guess would be that some time during the phase 2 approval because you're not going to be able to pull building permits until the –. The subdivision is going to have to be approved. So it's going to be prior to phase 3. It wouldn't be at phase 1 because phase 1 is just when you're coming in for the ordinance and saying this is what we want to do on this piece of land. Phase 2 is when you're coming in and saying this is what we want to where on this piece of land. So it would be some time between phase 2 and phase 3.

Ms. Kaye: So if we wanted to, if I'm understanding Bev's concern correctly, add that language in, could we suggest it?

Ms. Aoki: You can suggest whatever you like.

Ms. Kaye: Kathleen, we interrupted you.

Ms. Aoki: No. Just answering your questions you folks have.

Ms. Leticia Castillo: Yes, you're talking about water in here, and I believe that water is part of the utilities, so you have utilities in there which includes the water . . . (inaudible) . . .

Ms. Kaye: I don't think that's necessarily true. I think utility generally means electricity,

phone, you know where you are going to have your poles, where you're going to lay your lines. You might be right Letty, but I don't know that you can assume that.

Ms. Aoki: I'm sorry. What was the question? On water? The utilities? I was looking at the code. Again, water is going –. I mean, my only response is that water is going to fall under the water requirements. It's going to fall under that title of the code. It's not falling within this project district. It doesn't mean it doesn't get addressed, it's just that it's not a Planning function.

Mr. Rabaino: How can you say that's not a Planning function if you've got to put in all the infrastructure?

Ms. Aoki: Water would be addressed as required by the code and subdivision. When it goes in for subdivision review, the Water Department has to sign off on the subdivision. So all of the water needs are going to be addressed, and it's going to be dependent on what the use is, what they're coming in for, how many units, is it business, is commercial – they have all their guidelines on what they need to meet. So that's separate from what this project district phase 1, 2 and 3 approvals look at. But if you, you know, it's your purview. Bev, if you want to suggest language, that's, you know, your prerogative.

Mr. Rabaino: Excuse me, but, you know, reading this thing for about three weeks, has water in there, okay, this County housing. It has water in this section. And in reading this, this is contradicting what they have here. You know what I mean? That's why we're asking. Water should be included in this, in this phase 2 portion, or phase 3, because we're looking at all these documentation. I mean, I did read for myself, and the water is included in this, what you call this packet, whatever, this document right here. Right now, it's making this look like it contradicts what's over here and what we're reading here.

Ms. Kaye: Gerry, that's an environmental assessment. That's a draft environment assessment. That's not the code. So you can't –

Mr. Rabaino: Well, let's put water inside here, then.

Ms. Kaye: Maybe what we can do to work our way through this is just go down the highlighted changes and see if anyone have any recommendations, okay?

Mr. Green: Can I ask one more question?

Ms. Kaye: Sure.

Mr. Green: On page 2, I guess it's (A2), at the very end, for its information has been added, which I guess implies not for review. And it doesn't give an explanation of why that is

added.

Mr. Rabaino: Is that under bilateral agreement that have been transmitted for the Council for its information – is that what you're referring to? We know about bilateral works, right.

Ms. Aoki: Yeah, nothing was stricken out of that section, so perhaps it was just for clarification that this is for the Council for its information.

Mr. Green: But there's a whole bunch.

Ms. Kaye: There's a whole bunch stricken from there on the page before.

Mr. Green: Line 44 through 49, which I assume – well I shouldn't assume – it doesn't actually say why that's been removed either.

Ms. Aoki: Right. And that was the section that I stated if you wanted to defer this and have Joe come back and explain to you because I truly don't know. I'm being honest. I don't know why all of this was stricken out.

Ms. Kaye: Okay. Perhaps at this time we should – you have no questions right at the moment, Commissioner – do public testimony on this agenda item. Pat?

Mr. Reilly: Pat Reilly. 468 Ahakea Street. One, defer this. Defer this. Ask the questions. You're getting incomplete information. You need to have these questions answered. We will have great potential to have another project district on this island, maybe not this commission, but some subsequent commission will have to deal with it. So you have to fully understand this, so please defer. I would agree. With all due respect to Kathleen that the water code is different, but I would want something in a project district application so that the Commission gets to hear the water issues, that it doesn't just be administratively addressed at another level. And when they put in the subdivision's application that the Planning Director is deciding if they having enough water. Not for Lana`i. Defer. Ask all your question. Defer. Thank you.

Ms. Kaye: Thank you Pat. Any questions for Pat, Commissioners? Any other public testimony?

Mr. McOمبر: I concur.

Mr. Rabaino: Chair, can I make a motion?

Ms. Kaye: Yes.

Mr. Rabaino: Can we defer this with more clarification and then come back to us later on?

Ms. Kaye: Can we defer it for more clarification?

Mr. Rabaino: Yes.

Ms. Kaye: Are you making a motion?

Mr. Rabaino: Yeah, I want to defer this with more clarification because we're going to be bickering over this all night, and we've got this whole thing over here that we've got to go through yet.

Ms. Kaye: Do I have second?

Ms. Castillo: Second.

Ms. Kaye: Okay, any further discussion? I think at this point, I might behoove us to quickly give any notes to Kathleen, should we vote to defer during discussion so that she can take a full set back to Joe so we don't go through this again. For example, on page 3, line 4, I questioned what is substantive, who defines it? Line 7, not substantial, again, who defines that? And that's it for me. Any others, Commissioners, that you'd like to add?

Mr. Rabaino: I would like to add, have clarification, it says over here grant units for are all – grant until all requirement unilateral agreements have been recorded. Explain what is bilateral, you know, in this transmitted to the Council for information.

Ms. Aoki: Chair, I also have for that, in that section, why was this removed, so the question is –. The other thing that I have for page 1, line 36, his/her. And following that 37, Chair, if I remember correct it was a comment about whether by the applicant should be added.

Ms. Kaye: No, I'll take that unless someone else wants to. I've rethought it. It's okay.

Ms. Aoki: It's okay? Okay.

Mr. Green: I have just one question on page 2, (C2), it says the Director shall approve the final site plan if it conforms in all substantive respects, da da da. So what happens if it doesn't? Is it that obvious what happens?

Ms. Kaye: I guess that's a procedural question because that's language that's there now, and it's going to stay there. I assume it's not approved?

Ms. Aoki: It doesn't get approved. So they have to meet the conditions that are set forth.

Also on page 2 on the top, the additional language for its information, which reflects to the other again.

Ms. Kaye: Commissioners, any others? Okay, we have a motion on the floor and a second. All in favor of deferring this agenda item so Mr. Alueta can come back with clarification of with our questions that Kathleen is going to submit and any additional we'll come up with? All in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Any opposed? Okay, motion carries. Let's take a break now.

**It was moved by Commissioner Gerald Rabaino, seconded by Commissioner Leticia Castillo, then unanimously**

**VOTED: to defer amendments to Chapter 19.45 Project District, and requested the Planning Department provide further clarification as requested by the Lana`i Planning Commission.**

*(The Lana`i Planning Commission recessed at approximately 7:45 p.m., and reconvened at approximately 7:58 p.m.)*

## **C. COMMUNICATIONS**

- 1. MS. JO-ANN T. RIDAO, Deputy Director, DEPARTMENT OF HOUSING AND HUMAN CONCERNS, requesting by letter dated December 2, 2009 advisory review by the Lanai Planning Commission of the draft 201H-38 Application for the Lanai Affordable Housing Project located on 73 acres of a larger 115-acre parcel owned by the County of Maui at Lanai City, Island of Lanai. (J. Prutch) (The draft 201H-38 application was circulated to the Lanai Planning Commission at the December 16, 2009 meeting.)**

**The project is planned as 239 single-family house lots of approximately 5,000 square feet and 173 multi-family units totaling 412 units. The project will also include two park sites consisting of 2.83 acres and 2.08 acres. In addition, a 4.94 acre public/ quasi-public site for a future community center and 4.0-acre detention pond are proposed.**

**The Commission may provide its comments on the draft 201H-38**



**application. (Commissioners: bring your documents)**

Ms. Kaye: Next on the agenda is, looks to me like Colleen Suyama, going to make a presentation to us on behalf of the Department of Housing and Human Concerns – okay – for the draft 201H-38 application. I'm going to ask, Colleen, this is a combination draft EA and the application.

Ms. Colleen Suyama: The environmental assessment is part of the draft 201H application. And just for your information the final environmental assessment was filed with Office of Environmental Quality Control. So we're asking you tonight comments on the 201H application that will be filed with Council and your comments would be transmitted to the County Council.

Ms. Kaye: Clarify for me please then, you're asking us to – this entire thing is –

Ms. Suyama: Is the 201H application.

Ms. Kaye: Right. So we are also commenting on the draft EA?

Ms. Suyama: Right. So whatever is in the draft EA, you can also present those comments to the County Council.

Ms. Kaye: Okay.

Ms. Suyama: So to begin with, Jo Ann Ridao who's the Deputy Director of the Department of Housing and Human Concerns was going to be tonight, but unfortunately she took ill, so she wasn't able to attend. But we do have from Pacific Architects, Dwight Mitsunaga, from Okahara and Associates were the engineering consultants, Donald Okahara, and myself from Munekiyo & Hiraga Inc, who are the planning consultants.

To begin with, this is the Lana`i affordable housing project. We are asking this to go through 201-H process. And what it is is the 201H process was established by the State Legislature as part of Hawaii Revised Statutes. And what it did was it established an expedited process in order for the State to provide affordable housing. And in this expedited process you both can, you know, expedite some of the land use entitlements that are required for a project, as well as, asking for certain exemptions from the County code. And that's why, you know, the process requires you to go before the County Council. And once the application is filed with the Council, the Council has 45-days to act on the petition on the application, and they have three things they can do. They can approve it as is, they can approve it with conditions, or they can deny the application, but they have 45-days to do it. So were looking at trying to file the application with the Council on January 25<sup>th</sup>.

Ms. Kaye: Could I ask what happens with the comments we make next? What if some of them are substantive?

Ms. Suyama: Then the Council, in their review, can make changes to the application. So it's not too late for you to make your comments. It's just that it would be the Council's review process rather than being placed in the Final Environmental Assessment.

Ms. Kaye: And who takes our comments to Council? Mr. Prutch?

Ms. Suyama: Mr. Prutch will be compiling the comments. I believe he's going to send it to me, and then as part of that, the Housing Division will officially transmit the comments to the Council. And hopefully, Joe, it's going to be soon enough that, you know, it's not going to delay any of the review. What we're trying to target is a February 3<sup>rd</sup> day for the Public Service Committee to review the application.

To get some of the pertinent facts about the project, it is the County of Maui who's both the applicant and the land owner. It's located in Lana`i City, and it's parcel 58. This is a 115 acre parcel of which 73 acres will be for the affordable housing project, and 42 acres are proposed to be transferred to the Department of Education as part of the school expansion. This is the general location of the project. Here's the project site in yellow and Lana`i City. This is Kaunapali Highway located here, and this would be Fifth Street and Fraser Avenue. This is a more in-depth location map. As you can see we have Fraser Avenue here, Lana`i High School and Elementary School. This is Olopa Woods and the Department of Hawaiian Homelands which they're also doing the master planning for. And this is the proposed 42 acres of that 115 acre site that's going to be dedicated, transferred to the school, and this is the project remaining 42 acres site is here.

The project history, it has – we started this project in 2009. We did hold on February 18, 2009, as part of the Lana`i Planning Commission meeting, a workshop to introduce this application. And at the workshop, one of the recommendations that the Commission had was they recommended that we work the community, go back to the Lana`i community and, you know, basically to refine the master plan that was originally proposed. So what we did, you know, we took your recommendations and your advisement, we got together a list of Lana`i citizens' and we asked them to sit on the Steering Committee and to work with the project team. On April 11, 2009, we held that Steering Committee meeting. We revised, based upon the input that came out of the committee, there were changes that were made to the master plan. And one of the important things that was established as part of that committee meeting is developing a phase I for the development because it would recognize that all of the whole master plan could not be built at one time. They're trying to establish a size of the phase I development and worked with the community to establish that.

And then on June 16, 2009, that revised master plan and phase I development was introduced at a community meeting to the entire Lana`i community. We had advertised, you know, that this meeting was going to happen, and people attended that meeting. And I had mentioned that on January 11<sup>th</sup> of this month, you know, after that community meeting, we all went back, the consultants revised their plans based upon the community meetings, and the reports were all revised, and our office, as a planning consultant, did the first phase which is the environmental assessment that's required under Chapter 343 of Hawaii Revised Statutes. So we prepared the environmental assessment. It went through the review process and the Department of Housing and Human Concerns accepted the final environmental assessment, and that final environmental assessment was filed with the Office of Environmental Quality Control on January 11<sup>th</sup> of this month. And for your information, it will be published in the bulletin on January 27<sup>th</sup>.

We also as part of the Steering Committee meeting as well as meeting with the community because we are aware of both the Department of Education's and the Department of Hawaiian Homeland's proposal, we have been doing some coordination with those two projects to looking at coordinating some of the infrastructure requirements for the project. As a result of the community meetings, this is the current master plan that was developed. This is Fifth Street, Fraser Street is here, located here, and what we're proposing, this is the future Department of Hawaiian Homelands, this is the future school expansion, it's located here. And what we're proposing is single-family. The main access would be from Fifth Street. An internal major roadway here that would eventually connect to the future connection of Kaunalapau Highway and possibly a future connection to Ninth Street. This is Ninth Street here. This would create some kind of regional roadway system for the project. And as part of this, besides the single-family, there are multi-family acreage that are being proposed as well as based upon the input of the community, rather than originally having one large park site, because there were concerns about this roadway, there were two park sites developed so that both sides of the community had some park acreage. And also the location of this park, located here, was adjacent to the future Hawaiian Homelands project so that could also provide some recreational facility for Hawaiian Homes.

And as part of this, there is a future public/quasi-public site that could be used for maybe a future community center. And also there's a need for, because of drainage, a four acre detention pond that's located here. So this is the overall master, conceptual master plan for the project. And as part of it, for a phase I that needed to be developed – so this is the phase I project. You have Fifth Street here, you would put in the major road, the connector road, a portion of Fifth Street, and you would build your single-family residential, as well as a multi-family component, and one of the park site. And you would make the site improvements for the detention pond for drainage, as well as the public/quasi-public site. And part of this first phase of improvements, we wouldn't have to do some of the necessary infrastructure improvements such as the sewer system and water system, as well as the electrical system. Those things and doing the basic drainage improvements for the project.

So that would all have to come in as part as phase I of the project.

What we did was, you know, the architect did some conceptual plans. We're looking at minimum 5,000 square foot lots. Some of these lots at some future date, you know, the way it's organized is that if people wanted to consolidate to get a larger lot, they could. You know there's that opportunity to do that. And these are some conceptual floor plans. And if you look at the conceptual drawings, it's trying to follow some of the architectural styles of the plantation homes, and what they used as a guideline is Lana`i has these architecture design guidelines, and if you look at the photo in the front, it's trying to emulate this type of architecture for the homes that are going to be created.

Also because we have a multi-family element, although there are no guidelines for multi-family units in the Lana`i City Community Design Guidelines, what they tried to do is looking at some of the same architecture elements in terms of the roof design, the use of materials like the metal roof, wood sidings for the building, your multi-pane windows, trying to emulate that same type of architecture character that's conducive to Lana`i. And if you look in the design guidelines, you know, the closest that I could find something that reflects this type of architecture is – architecture style book – and this is the old gymnasium site. So it's trying to follow this type of architecture for the multi-family building.

Also, as part of the 201H process, besides the land use entitlements, in this case we would go before the Council for exemptions from the general plan and community plan as well as zoning so that the parcels would allow through this process that the housing development can be built. And also we're looking at some of the other code requirements, none of these code requirements are health and safety issues. They're mostly things like in Title 16 being exempted from permits and inspection fees. In terms of Title 18 with the subdivision, where we would be exempted, similar to how we're asking for zoning and community plan exemptions, being exempted from that. Also to allow that the 4.91 acres of park land will meet the park dedication requirement and assessment for this project. We also –

Ms. Kaye: Excuse me? Before you go from there, I didn't have that on my list so I want to ask it now. What would be required if you didn't seek an exemption?

Ms. Suyama: In terms of the change in zoning? The park. They have like for each community, they assess a monetary assessment for every unit. I'm not sure what the money assessment is for Lana`i, but I do know for west Maui it's like something like \$25,000 a unit.

Ms. Kaye: I'm sorry, I didn't monetary. I thought there was – what's the word – proportion to housing development. So many needs x-amount of acreage in parks and I've always understood with all the land we have on Lana`i we're under what we should have per population and per area, for park area.

Ms. Suyama: Yeah. I'm not sure what the acreage is, or what is the formula the Parks Department uses. And the other things that we wanted exemptions for is some of the urban standards that's in the subdivision ordinance – because the standards in the subdivision ordinance are basically standards that are ideal for Maui, in terms of roadway widths, the need for curbs, gutters, sidewalks, that type of stuff. So what we're asking is a deviation to allow us to do standards that are more conducive to Lana`i City.

Ms. Zigmond: Colleen, excuse me please. Just out of curiosity, what is a traffic calming element?

Ms. Suyama: It's like putting in what they call like crosswalk tables, speed humps or speed bumps. I mean, the code now requires that in subdivisions, they need to implement those things, and they may not be necessary on Lana`i based upon the type of traffic you have. In some places like in Kahului, you know, on Maui, because they have long lengths of roadway and there's a lot of traffic, there has always been where a lot of subdivisions are asking for those speed humps or those speed tables to be a part of the design of the subdivision. And because of that, it's now part of the code. And one of the other things that's part of the code is you need to do all underground utilities, you know, and that's very expensive in terms of doing affordable housing. And that may not necessarily be something that, you know, needs to be done on Lana`i City, so we're asking the option not to do underground utilities. That if there's a need to do overhead utility lines, you could do that as part of this project.

Ms. de Jetley: I have a question.

Ms. Suyama: Yes.

Ms. de Jetley: You know that #6, exempted from providing traffic calming elements. We do need that on Lana`i. We have that in the apartment buildings at Iwiole and now at Lalakoa, we have several streets where there are street bumps. You cannot exclude that because we do need that. And then the other thing about what makes this community so special is handicap people in wheelchairs can go from one end of this town to another on sidewalks, so your sidewalks have to be ADA compliant and they have to not have varying widths. They need to be the same widths because we have mothers with strollers, we have little kids on bicycles, and we have elderly people in motorized wheelchairs and scooters.

Ms. Suyama: Right. They're proposing to put the sidewalks in, but then the code requires the sidewalks to be eight feet wide. So when they're talking about varying width, they want the width to come down less than the eight feet that's required by code. They're not saying that they're not going to put it in. They are going to put the sidewalks in, but when they say they want varying widths, they don't necessarily want to be an eight foot wide sidewalk for Lana`i City.

Ms. Kaye: Is it okay for us to ask you questions as we –

Ms. Suyama: Yeah. I mean if you have questions, it might be easier for you to do it this way.

Ms. Kaye: Well, we just don't want to break your flow.

Ms. Suyama: No. I can keep on going. So if you have specific questions –

Ms. Kaye: – yes, I do. I do –

Ms. Suyama: – you know, I rather answer your questions as I'm going along, rather than waiting until –

Ms. Kaye: Okay. I'm really troubled by the above ground utilities. On page 25 of the Planning Commission minutes of February 18<sup>th</sup>, the consultants that came over, clearly stated that all utility poles would be underground. And so that was a representation made to the Planning Commission at the time, and clearly something has occurred that changes your mind, but my understanding is that the recent developments on Lana`i have underground utilities.

Ms. Suyama: Okay. Well, you know, that was one of the things we were looking more in terms of cost, like, as in affordable housing project. It's way more expense to put underground utility lines rather than above ground. So as an option to try to reduce cost, you know, have that option to do that.

Ms. Kaye: Well, we discussed that at the Steering Committee as well. I mean, I have questions about the 5,000 versus 6,000 square feet, and I understood the difference of infrastructure would be \$5,000, period. So I'm feeling very confused and a little had that you've changed your mind.

Ms. Suyama: Right. You know, it's just something we put in a lot of the 201H projects, so it might of been like our fault in terms of some the exemptions that we had put in. But, you know, if your comments are that you want underground utility lines, you should put that as your comments to the Council because nothing is static. It's still, you know, things can be changed.

Mr. Rabaino: Colleen?

Ms. de Jetley: Colleen?

Mr. Rabaino: When you say the above underground utility, is that cost effect going be

passed on to the owners, consumers?

Ms. Suyama: They're trying to keep it within the affordable housing range for Lana`i City because it's based upon Lana`i's income that that's established because this is a County housing project.

Mr. Rabaino: But the price range that I heard is \$292,000 starting.

Ms. Suyama: I'm not sure what the price ranges are going to be. It's going to be when this is built, what is the HUD estimates of the Lana`i community, their median income, and that is how they base the prices for either for sale or for rent. So it's based upon that time. But, if the cost goes up, what it will mean eventually to keep that cost down to the affordability level is the County in some ways will have to subsidize some of the housing. So it would have to be, you know –. It's basically if they want to keep it all affordable to Lana`i residents is that you are looking, depending on the cost at the time of construction, that they will have to do some kind of housing subsidy.

Mr. Rabaino: But according this, I read the first 58 would be affordable homes, so they're going to change anything?

Ms. Suyama: No right now they're looking at all of this as going to be affordable.

Mr. Rabaino: All of them? Because according to – I have my thing over here – but the first 58 would be –

Ms. Kaye: No, that's the first increment.

Ms. Suyama: That's just the first phase.

Mr. Rabaino: Well for the first phase.

Ms. Suyama: But because this is the County housing project, they're not looking at doing this like how a lot of developers come in and say a portion is affordable, and a portion is market. They're trying to make sure that this is affordable.

Ms. Kaye: But let's be clear, the land is free.

Ms. Suyama: Yeah, but then there's – even if the land is free, there are construction costs that's associated with it. And it also depends on, you know, things costs more money on Lana`i to build than it would cost –

Ms. Kaye: What does the County hope to make in terms of any profit on this?

Ms. Suyama: I don't think they're looking at making any profits on this.

Ms. de Jetley: Colleen, I have a question about the grass swales because we have areas in our community where there are grass swales, and it seems to be a no man's land. We have one section where the County has disclaimed responsibility for it, the State's not claiming responsibility for it, so the fireman volunteered to clean this one section next to the sidewalk. Who's going to maintain these grass swales?

Ms. Suyama: I would assume it's the Public Works Department as County roadways. But, also, I know like on Maui you have the requirement that in residential areas, you're suppose to keep your portion, that portion that's in front of your house, mowed and, you know, cleaned so that it's not like, weed infested. And if the County comes in, they have the ability to charge you for having someone clean that for you.

Well, the other things that we're asking for is like exemptions from zoning. We're looking at a minimum of 5,000 square foot residential lot, 10,000 square foot multi-family lot. And for the public and park site, 15,001 acres, although those two sites are way larger than what the minimum. And we're trying to follow some of the standards that's in the current zoning code. And everything would be limited not more than two stories, or a maximum of 30 feet, except for parks, in case there was a need for something that was taller than the 30-feet. We've allotted them 45-feet for some kind of park facility. And the setbacks are generally what's followed in the County code. The only exception is that for the residential units, if people wanted to do zero-lot line type of housing which is like you own your own lot, but you have the ability to put two units together side by side on a subdivided lot, that you have that ability to do it at least on one boundary.

Ms. Kaye: Could you explain that? If your residential lot is 5,000 square feet, you're suggesting what could go on it?

Ms. Suyama: You have one house on one lot. If these were two lots together, you could have one house without a setback, and the other one right next. Right now when you have setbacks, you have to make sure there's a setback from all sides.

Ms. Kaye: So somebody would have to be able to purchase two lots?

Ms. Suyama: No you purchase one lot, but then what they put between that is a fire wall, between the two units. But you own this lot with your unit on it, and the other person would own the other lot with their unit on it. That's called zero-lot line.

Ms. Kaye: So that means that everybody's yard would be to the other side.

Ms. Suyama: Yeah, it would be one side.



Ms. Kaye: So the houses abut each other, if you will.

Ms. Suyama: Right. There's some project in Kahului. If you're family where Maui High School is, in Kahului, there's that Luana Garden's project, and they have zero-lot line homes.

Mr. Rabaino: Colleen, is that also with – what was that word? I just lost it – is that ohana housing?

Ms. Suyama: No. It's different from ohana housing. And the reason you allow zero-lot line, it may not be the entire house that's attached, but you may want to like attach garages together, you know, where the two-car garages are attached, and the houses might be separated. By doing the zero-lot ability, you have the ability to do that.

Ms. de Jetley: Commissioners, can I make a comment? If you go down into the Caldwell Avenue area, you know, in the back of town this side, a lot of the houses share a common driveway in between them. That would be similar. And you can see what a problem those houses are. You know, they share the same driveway and they have a garage at the end. A zero-lot line would create problems I think.

Ms. Suyama: No it wouldn't because the zero-lot line, other than – they don't share a common driveway. Each lot has its own driveway. So what it is is that, you may, just the buildings may be together.

Ms. de Jetley: Isn't there one subdivision out in the Paia area where they have zero-lot line? Right after Paia town, isn't there one project there that has houses like that?

Ms. Suyama: Yeah, there is.

Ms. de Jetley: And that wasn't a very attractive project. You should go look at it first.

Ms. Suyama: The other things is that in the zoning code, there are uses that are permitted. So because we're not going through zoning, we're asking that everything that's allowed in the residential district, the R-0 lot line district, apartment district, public/quasi-public and parks district, except for PK4 which is the golf course park district, would be allowed in the housing project. And for your information, when we had the meeting with the community, the Steering Committee, there were some, you know, request that people have the ability to do some home occupation within their residential units. And by allowing it in the single-family, the residential district uses do allow home occupation. So that would be allowing people that maybe want to do something that's not obtrusive to their neighbors, like mail order business, or something on the internet, they could do it in their house.

The other thing that we're adding that's not in the County code right now is residential care facilities because there was a need that right now there's a lack of elder care on Lana`i. So what this would allow is it would allow people to do home health care, you know, like if you're familiar with some of the care facilities, what it allows is that like my mother is in a care home. And what it is is just two family, two members, they live in the house. There's two separate bedrooms for each of the clientele, but it's in a residential home. And what they do is they provide the 24/7 care that my mother needs. And there maybe some opportunities for some people who want to provide that kind of care within their home.

The other thing that we put in is things like utility facility is minor, utility services to be clear that utility services are permitted within the subdivision. And the reason that we put that in is that for with this project, there is going to be need for a sewage pump station. And we didn't want anybody to come back later and say well that's not a permitted use. So it's to make provisions that any type of utility connections that are required for this project is a permitted use. And the other one is Title 20, is basically, just exempting them from permit and inspection fees for grubbing and grading.

The next step after this is we will be filing the 201H application with the Council Public Services Committee. We anticipate filing on January 25<sup>th</sup>, which is next week. And after the Council has acted on this project, and either, you know, hopefully they will approve it, then we will be filing a petition with the State Land Use Commission for a State District Boundary Amendment because that is one of the exemptions that is not provided by the 201H process. Thank you. That's my presentation. So if there's, you know, additional comments.

Ms. Kaye: Thank you Colleen. Commissioner, I don't know what your pleasure is. I know, Gerry, I saw had some notes. I know I took some notes of questions of sort of going through the book. Do we want to ask our questions, make our comments now, and just, Joe will be cataloging comments as we go and then we'll, I guess, have to vote on them at the end? We will still have to take public testimony.

Mr. Rabaino: Yeah, do the public testimony first. That would be better.

Ms. Kaye: That works for everyone? Okay, public testimony. I don't know that everyone that's going to testify has had the advantage of reading this.

Mr. Reilly: Aloha. Pat Reilly. 468 Ahakea Street. Yeah, I did read this a little bit online. One, lighting, as you know there's a County code to encourage low lighting. And for those of you that know Olopuia and that end, I would certainly encourage some minimum low lighting. There are street lights that don't have to be blazing orange sodium, and I believe Maui County is using that somewhere on Maui. And, just don't need to do that for a whole bunch of reasons – for birds, for seeing the stars and other things.

Traffic on Fifth Street is a big issue. That's a school zone. And for those of us that live there, some nights, that's a long way from Hawaiian Homes all the way up to Fraser, and they burn rubber coming up there. So I would suggest some – looking at a round-a-bout of some kind of thing to slow traffic because children do that. And crosswalks, and I'll hook this up. There's got to be a way for children to cross the street, and heaven forbid a light, but some clearly marked crosswalks that people will institutionally know that this is where children cross the street to go to school. Eventually if that plan is ever fully funded, the front of the school will be on Fifth Street, and the parking will be on Fifth Street. I'm not sure that – I'm sure the County is aware of it, but that the master plan for the school puts the front of school on Fifth Street with parking there. So I would just recommend you take that into account. I live at Olopuia Woods, and I'm not sure that was completely built to code, but it's 6,000 square foot lots. And as you know because of housing issues, families do live together. Therefore, what Commissioner de Jetley mentioned is that you have one house with maybe six cars because you have a lot of adults in the family that have to go to work. You have trucks. And it is true, that my street, Ahakea Street, when you get parking on both sides and people have just paved their front yard and parking their cars in their front yard and paving those.

You talked earlier about permitted parking and there's got to be a way within this complex to take account for people who are going to live there that are going to have not just one sub-compact car per family, right? I mean, you know Lana`i, so I'm not sure how that's taken. The way the economy is going the median affordable house – the median of affordable income on Lana`i has to be dropping given unemployment and even two or three years out, I don't see it. So if the affordability is based on median affordable income, it would mean that the costs keep going down. The affordable range will continue to lower on Lana`i which may impact how much money you can put into this. So I agree personally that underground utilities – we have that Olopuia. I think it's a wonderful thing to have, but it does impact housing and cost of housing. And how that would end up relating to a dropping median income, I'm not sure.

There's also a code about trees and shrubbery on some of those strips in front. I would hope they would get an exemption from that because it's just a pain. People cut the trees down, they grow –. There's no need for that. I mean, if you have a grass strip, a two-foot grass strip in front of your house, it's easy to plant flowers in it, or weed whack it. And I do see the County weed whacking the Fifth Street area. I'm worried about the detention pond. I'm not sure how that is secured, and exactly how much fluid would be in there, but that has to be protected from children. Sidewalks I agree. Cars are ADA compliant and I think they had to put them after the fact, to have ramps, because we do have people, elderly people, particularly if you're going to have a care home, you're going to have elderly people who have these electric wheel chairs. That's about it. I support the program. I have people come and ask me, at the coffee shop, hey when are we going to hear about these houses. We're interested. So there is a deep interest on Lana`i, and hopefully the economy will turn

around and people will have an interest in purchasing affordable homes. Thank you very much.

Ms. Kaye: Thank you Pat. Commissioners, any questions for Pat? I do Pat. When you said low lighting, the plan already calls for shielding to deal with bird fall out. Are you suggesting a lower wattage?

Mr. Reilly: Yes, there are street lights, and I know there's some area they tested it out on Maui that the actual street lights themselves are lower light.

Ms. Kaye: I hate my street light. I didn't realize I could get a lower wattage.

Mr. Reilly: Well, I don't know if you can, but –

Ms. Kaye: Yeah, but I mean, if it's permissible.

Mr. Reilly: I know they tried them out, and there were some concerns from the Police Department. I think they couldn't see license plates if they had to chase somebody or something, but the technology is available.

Ms. Kaye: Okay. And then crosswalks. You're raising concerns, but I want to know what your solutions are so we can consider them as recommendations. Just throwing out, danger to the kids, is not enough. Would you want more than crosswalks? Do you want them every so much?

Mr. Reilly: Yes, I mean, if you noticed the crosswalks on Fifth Street now are at the park just below Ahakea. I don't know if there are any crosswalks after that once you get to Hawaiian Homelands. And assuming that the sidewalks are built all the way along Fifth Street, then that would be route by which children will walk, from both sides, from Olopuia and from that side. So whatever would be a standard crosswalk, well marked with signs. Thank you.

Ms. Kaye: Wait, I have one more. Being a Fifth Street person too, I'm real concerned with the traffic, the increase in traffic, not only with this, but with the school expansion. What was your recommendation for Fifth Street?

Mr. Reilly: Well, you raised multiple issues. One is speed, speeding, and that, you know, the County eventually around that park and the school, they post sign says school, and there is, while school is in session, I think, it's 15 miles an hour. It at least got to be posted all the way down, and where is the school zone relative to a school? But with children, you've got to have clearly marked crosswalks just like they do in the big city.

Ms. Kaye: Okay, but you mentioned something like a round-a-bout and I wanted to ask you–

Mr. Reilly: A round-a-bout is a way to slow traffic.

Ms. Kaye: What is a round-a-bout look like?

Mr. Reilly: It looks like a round circle in the middle of a street with flowers and things, and people have to go around it.

Ms. Kaye: Where would you put it?

Mr. Reilly: In the middle of the street.

Ms. Kaye: Of what street?

Mr. Reilly: Fifth Street.

Ms. Kaye: Where?

Mr. Reilly: In the middle.

Ms. Kaye: What part of Fifth Street?

Mr. Reilly: Well, intersections, Ahakea Street or the next one down. It depends how far Fifth Street is going to be extended. But what you're trying to do is limit the long length of road between issues where you have to slow down. You could put a big speed bump in the middle, but to me, round-a-bouts are a more normal way, and they're commonly used.

Ms. Kaye: Okay, so you saw her map.

Mr. Reilly: Yes.

Mr. Kaye: Would you say at the corner of where Hawaiian Homelands is now, and the potential extension, and this project?

Mr. Reilly: Yeah, somewhere in there. I mean, something that's reasonable. You know, Ahakea, that connection of Ahakea and Fifth is kind of logical because that would slow it down before you hit the school. Okay. Washington D.C. uses them all of the time, and they're crazy.

Ms. de Jetley: Madame Chair? It's just a comment. When he talks about the round-a-

bouts, if you go down to Iwiolo, the round-a-bouts that they have on that straight stretch from the bottom coming up to the top, they have trees spaced where you have to slow down to make the small curve, that's what you need on Fifth Street.

Ms. Kaye: But what we're talking about is, now, a very long Fifth Street. What I was trying to get him to clarify was where on Fifth Street, and he did.

Mr. Rabaino: Just to let you know, Lalakoa has low lighting, you know, our subdivision for the street lights.

Ms. Kaye: All of Lalakoa or Lalakoa III?

Mr. Rabaino: Lalakoa III.

Ms. Kaye: Public testimony, we now have Ron.

Mr. McOmbler: Ron McOmbler. I was part of that focus group, along with Sally and a few other people in the community. This is a long ways off folks. Thank God the County is even doing this. I was shocked when they took us up on this. But they are planning for the future, and it's a long ways away. It's not going to happen tomorrow. Things are going to change between now and then. Even the make up of Lana`i City is going to change by that time I'm sure. The reason you saw the change in phase 1 is when we first saw that in this room when they presented it to this community it was all a done deal. They were going to do 238 homes and the whole nine yards. We said that's insane. We do need, and we're going to need, and thank God that we've got the County working on it. They've done a great job. They came back and listened to the community. They're going to come back again. What I would like to see is this group of people come back and involve this community, this working group, continually as they get further along to do this. . . (Inaudible) . . . Road sizes, houses – we asked for all kinds of things. We asked for self help programs. Cell lots. That's where they got a lot of this stuff so we can do self help programs or we can do habitat for humanity. That's what we need more is that we need homes being built that cost \$300,000. We've got a lot talented young men and women on this island that can build homes, and we need jobs for them. So we appreciate the County doing this. They've done a great job. I appreciate all their engineers, and all of their architects. They came here and they spent a lot of time with this. They're here tonight. Much mahalo to them. As far as this other stuff is concerned, folks, we'll work it out as we get to it. It's a long ways off. You guys won't even be on this Commission. You may not even be on the island by the time this thing is done. I know I won't be. So, anyway, guys, you've got to thank the County for what they're doing and let them go with that. It's a long ways away and we've got a lot of stuff. If you here – combine with the school and school traffic, they've got a lot of stuff to address. There's no question about it. Anyway, much mahalo to the County for even starting this because this is a million miles away right now.

They can't even give us a good garbage truck, so how are they going to fix homes? Thank you.

Ms. Kaye: Thank you Ron. Any questions for Ron, Commissioners? Any other public testimony at this time? Riki?

Mr. Hokama: Riki Hokama. 438 Fifth Street. Knowing Ron, he's contentious enough. He'll be around when we start building this project. Just a few comments. I think some of the comments shared would be more as we get towards construction. The County's review to round-a-bout, we looked at one in Kihei. Actually what worked the best was a four-way stop sign at the intersection of the old Kihei Elementary School area instead of a round-a-bout. It costs big money. You wouldn't believe how much it costs to build a round-a-bout.

But other things, I'm not really hot for zero-lot line approval. For me, and many of you who grew up here, you kind of like that space in between another building. And everything being equal, even though that 10 feet setback on the side, or six feet, you knew when your neighbor wasn't happy because you could still hear your neighbors talking about their issues. Imagine now, all you're being divided by is a single fire wall. It's great if you and your neighbor get along. But let me tell, there will be many times you'll be listening to somebody else's argument, and thinking, why the hell are they my neighbors? This is not a project that doesn't have space. This is a project with a lot of land. So I'm hoping you review this because in my experience, I'm thinking, many of those of us who may purchase in that project, even if we would like to be a second, third market homeowner somewhere down the line, maybe that will be one and only purchase in your whole life. So I would like to at least have two things – one, it is pleasant and takes care of your family needs, and two, it has to be affordable. We're not building a subsidized housing people. We don't have the money to do subsidized housing. We need to build projects that can fit what our people can take.

And so what I'm hoping this evening, even if the Council may not agree, is this the right time to submit the application, this month or next month? Because Council is going into budget, and I can tell you this. This is a big budget for work with the County. It's a critical budget for the County. They need to focus 100% and not be distracted by doing other non-budgetary needs of the County during budget session. It's going to be critical what they can or what adjustments they're going to need from a Legislature that more than likely will punt to the County and make the Counties raise their taxes and fees. So what does that mean? Our property tax, our general source of revenue is going to be the major hit for this County. Take it to housing. You know, right now, I can tell you people that I've talked to on Moloka`i, my group there, they're talking about only one thing in their shops that nobody else seems to want to talk about in government is where's the jobs? Who cares about this affordable housing project Commissioners. If you don't have a job, you cannot even think about even trying to pay for a mortgage for an affordable housing. So why are we talking

about affordable project if there's no jobs? I would like you, though, to consider moving this along because I would like us to be already in line. The funding mechanism that guarantees the County affordable housing funds will sunset this year. So there's only so much tax revenues that is going into this specialized fund. I think one of the things that we would like to do is at least stand line and say we've got some of our entitlements squared away. We would to be considered for certain funding for phase one, especially in the infrastructure area. It's the big high price tag area. Once you push there to do a road, do the water line, sewage treatment lines, power. We no have to do one house, we're going to be spending millions and millions of dollars for that project. So I would hope that at least part of this, we will be standing in line.

For two members, you get good questions. I would hope that the consultants and our departments can provide you with some kind of financial information so when Commissioner Kaye goes well why not underground, someone smart can say we got one engineering number, this is why we don't recommend it. It's another \$50,000 per lot. This is how it breaks down. You make better decisions because you have better information. You know what it means to your neighbor who wants to buy in there. Maybe I could've reduced the lot by \$50,000 if I agreed to not underground utilities. But I think those are the kind of information you need to make the better decisions. So please continue to ask them. But I would like us to move forward because who knows how long a State Land Use Commission will take this application. Thank you very much.

Ms. Kaye: Questions. A couple of questions. My understanding that there is a fast track for State Land Use. In this case that would be 45-days, so I don't think that should be concern. And if I'm understanding you correctly, you're urging us to move this forward even though there isn't – because otherwise, I was going to fall off my chair because I thought that's where we were all headed with this.

Mr. Hokama: And again, I'm kind of split. As a past appropriator, when we're in budget session, I don't want to be bothered with everything else because I get very focused on how we're going to find ways to raise the money to pay for especially what Lana`i needs.

Ms. Kaye: Well, I have a question because we sat in these meetings together. We were very clear about having a mixture of 5,000 and 6,000 square feet. My concern is that we're going to make this affordable based on a shrinking income level to the point where the houses are going to be unlivable. Nobody is going to want to buy them because we've given up everything of quality. I mean, Maui County Code –

Mr. Hokama: And Commissioner, I think that's a very good point you're bringing up. But there comes a point where we want all the underground, we want sidewalks on both sides of the road, eight-feet wide, we want to do this, this, this. We can build in the quality, but then it comes the other end. It becomes too pricey and you still cannot afford it.



Ms. Kaye: I understand the concern, and I understand there's a difference. But we also, as Ron pointed out, and everybody agreed at the time that self help, if there were a certain percentage. I mean, when you say engineering figures, that is what I would really like to see is some return from the consultants. Well, if you did x at 5,000, x at 6,000, and x at self help, then the cost could be spread out this way. Because we asked that question, and we were told the difference between 5,000 and 6,000 would be \$5,000. So for \$5,000, you get an extra 1,000 square feet, and that's what they told us. And whether that's no longer accurate, that's possible.

Mr. Hokama: Right, right, right. And for me, I've got no problem with self help provided they follow the length of time they have to construct and complete because we all know Lalakoa still have empty lot that suppose to be built 20-years ago and it has never been built.

Ms. Kaye: Okay. Thank you.

Mr. Hokama: Thank you.

Ms. Kaye: Any other public testimony at the moment? Okay, public testimony is closed. Colleen you want to come back up and – Alberta, do you have any specific question? You want to start and we'll just go around the table?

Ms. de Jetley: I really like the idea of affordable housing, but I'm really worried. Unless some new industry comes into our island, our population base is shrinking. We're not going to have people. We're not going to have the bodies to buy these houses and that really concerns me.

Ms. Kaye: David, do you have any specific questions?

Mr. Green: Just one that was brought up by the discussion today. How do you – if you do self help, how do maintain architectural control over what people build?

Ms. Suyama: Whatever agreement between the County and the organization that's doing the self help. You know, what standards they need to follow.

Mr. Green: One other question, just reading this, my over riding concern was is this the right time? And when all this is done, what would be affordable? And I don't know how, I don't know how the – when decisions are made to go or no go, et cetera, can you just explain what the process is because again as I think Pat mentioned, it's kind of a moving target with concerns about median income here going down over the next couple of years.

Ms. Suyama: I think what the County is trying to look at is at least get all the entitlements that's necessary so that when there's funding, when there's the ability to provide this

housing, they don't have to worry about now we have to get zoning, I have to get the State Land Use Commission redistricting done – it's already been done – the environmental assessment has already been done, so it's basically we can just move forward. And that's why within this project, they weren't looking for construction to start until sometime around 2017, you know that late down the line. You know, between 2015 to 2017 is when they're looking at probably this project will be, at that point, constructed. So they're looking at this as a long term project.

Ms. Kaye: Begin construction or they're saying the first phase would be completed?

Ms. Suyama: I think there's looking at, you know, depending on the situation, you know, by 2015, hopefully they can start construction, and 2017, hopefully they'll be completed with some of the housing. But at least somewhere in that time frame to start.

Mr. Green: Who would build the construction? Who would do the construction? Would that be Lana`i Company or it would be open to bid? Would it be a builder on Maui that would come over here?

Ms. Suyama: It would be basically when the County does projects, it's put out to bid, and usually they try to work with the lowest bidder, so it could be anyone. It could be someone from Maui. It could be someone from Lana`i. Whoever comes up with, you know, a proposal that becomes the lowest bidder by providing the services within whatever the specifications are.

Mr. Green: Last question is just environmentally friendly kinds of appliances, solar hot water, et cetera, et cetera. Does that fit with affordable housing? I mean –

Ms. Suyama: It can be done. There's been other projects that have incorporated like energy efficient appliances, putting in solar water heaters as part of it. I think it comes down to how you can fund it. And there are other funding sources, like for solar heaters, you know, you can work with Maui Electric, you can work with others. And I think that is a big thing with the Mayor right is green technology. And as things progress, things are getting more efficient, and more, you know, better to your pocket book in terms of buying things. You know, it's getting more affordable.

Ms. Kaye: My understanding is it's a matter of State law, anything built after 2010 has to have solar heater for new construction.

Ms. Suyama: Right, so you know, they would. They're not asking for an exemption from that.

Ms. Kaye: Okay.

Ms. Suyama: They're only asking for some of the code requirements. And a majority of the code requirements are really in the permit fees and assessments that are normally associated with a project.

Ms. Kaye: Okay, I'll go last. Stan? Bev?

Mr. Stanley Ruidas: I guess I've got a couple of things. Yeah, affordable, what is affordable? Five years from now? Seven years from now? And the thing about the round-a-bout, sidewalks, and speed humps, I think a raised sidewalk would be more sufficient with adequate lighting. Lighting, yeah, you can use low light lighting, but then you have to weight safety factors for adequate lighting. And I wanted to ask you about the detention pond. What kind of capacity is that?

Ms. Suyama: I'm not sure. We have our engineer here so maybe he can answer.

Mr. Donald Okahara: . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Ruidas: Four acres in gallons?

Ms. Suyama: It's just size.

Mr. Ruidas: That's a leech pond?

Mr. Okahara: . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Ruidas: You can get the mic.

Mr. Okahara: It will be a pond, but it's grass lined. So only when you get big rain you're going get water. It will be fenced. And there's a law, I believe, that you cannot use it as a play ground.

Mr. Ruidas: Okay. I don't know if you –. I think the area I looking at is where it's real low, before the hill goes up.

Mr. Okahara: It's the lowest area in the subdivision.

Mr. Ruidas: Yeah. So you think one pond can handle the whole project?

Mr. Okahara: It's designed for a 50-year storm in one hour, and that's a regulation.

Mr. Ruidas: Because we've got some mean storms over here, and coming down from the gulch, coming down from the whole City, that might be one flood zone.

Mr. Okahara: Well, they supposedly anything that flows through a property you have to let it go to a natural depth. So right now it goes down to Mississippi, I think. Everything ends up in Mississippi. But it has to pass Hawaiian Homelands. It has to pass the school. And anything that Hawaiian Homes develop, they have to take care of their water. From the pavement, they have to take care of it on their property. Same thing with the school. So if only the overflow that comes down naturally, you know, that's going to be a problem. In the beginning if Hawaiian Homes don't take care of the water that's coming down, then we're recommending ditches and stuff to drain to the pond. And then there will be an overflow, and it will probably end up in Mississippi.

Mr. Ruidas: I just asking you to, I guess, over build that thing because it's like, you know, stuff rolls down hill, and you're getting the whole city water going down that area. And you know, the whole project might be in jeopardy if you're not prepared for flood control.

Mr. Okahara: Well the thing is, you know, the water has to pass through Lana`i City first.

Mr. Ruidas: Yeah.

Mr. Okahara: If we're going to re-dig this property, it's way on the end.

Mr. Ruidas: Yeah, like I said, everything going end up there.

Mr. Okahara: But, you know if you have problems –

Ms. Kaye: We have no flood control in the city, at all.

Mr. Okahara: Yeah, but do you have a problem right now right in the city?

Ms. Kaye: Yeah, when there's a big rain.

Mr. Rabaino: . . . (Inaudible. Did not speak into a microphone) . . .

Mr. Okahara: Yeah, we're looking at the natural pathway. It looks like it comes down. The natural slope is off of Mississippi.

Mr. Ruidas: Okay, so from Mississippi, it will go pass the, I guess, sewer treatment plant, all the way down to that area. So that's going to be the lowest level?

Mr. Okahara: Yeah. And then from there, we can (inaudible). It disappears.

Mr. Ruidas: So it will be just a natural sediment pond?

Mr. Okahara: Well this pond is designed for any flow that's generated on the affordable housing project.

Mr. Ruidas: Okay, I just asking you to make sure you check all of your crosses, and dots and all that stuff. Okay, I'm done.

Mr. Okahara: It's like, this going be freeboard. I mean, you know, so there's additional capacity, yeah.

Mr. Matthew Mano: I work with the sewer treatment plant, County. Right now we have a flood problem there, and the reason for that is because the Company has not cleared it out where the flow does go to Mississippi. Where you're located, it's going to pass right below our sewer line, our sewer pumps. Are you guys going to create a flow system that passes our sewer line, into Mississippi? Or are you guys just taking care of your project?

Mr. Okahara: Basically, we're responsible only to take care of our project. And whatever is flowing now is allowed to flow to where ever it's going.

Mr. Mano: Well, I think you guys need to go and take a look below my sewer plant because it's not being taken cared of. And right now, when it rains, it floods. And it floods into the sewer plant. So if you guys are going to have an excessive drainage for your pond, for your detention pond, and it suppose to go to Mississippi, it will end up in the waste water treatment plant. So it's almost like a waste of time.

Mr. Okahara: Well, the thing is the school – it's going to hit the school first, right? So the school is suppose to take care of that too. And, if anything, it going hit Hawaiian Homes first, so Hawaiian Homes has to take care of that. You know?

Mr. Mano: Yeah, because I understand the overflow. I mean, we've dealt with overflows with the waste treatment plant for many, many years. I've been with the waste treatment plant for 14 years. I've seen this thing happen. I've seen it at pond four where the drainage ditch that use to be there was full with sediment. Now, it flows into the waste water treatment plant. It's not our job to go and clean that out. It's the Company's job. Now, if you guys are going to do a detention pond that will overflow and you guys are expecting it to go to Mississippi, it won't. Unless you guys in the County can make the Company clear that area out, so that we do have a good drainage that will go to Mississippi. If not, it's going to cause a lot of problems. You know, I understand the detention ponds. I understand this because we've got three in our plant. When we get overflows, we get detention pond. And it's when the rainy season affects. And when a lot of us on Lana`i we worry about water. You guys have a detention pond, why can't we use that water to irrigate?

Mr. Okahara: That water is – not unless we line it yeah – and I think you want it to drain more than water.

Mr. Mano: Because it's affordable right? And I know about lining because Manny stopped pumping grease traps because there was a State law that he had to line ponds so that he could drain it into that. And I know it's expensive. That's why he gave it up. But, you know, my biggest concern, and like his concern, because water flows, and I've lived here all my life. I've lived on Fifth Street, right above by where Riki lives, when my grandmother lived. Above that is a golf course. Above that there's housing, and the flow comes from there, and flows all the way down Fifth Street, on Lana`i Avenue. It floods the avenue because of low lying area. It floods houses because there was man made drainage ditch that passes between houses that was suppose to flow I don't know where because there was no storm drains. The storm drains was always plugged until recently. You know, so that would be Lana`i's concern. If we do have a major storm, and the water will flow towards Lana`i High – I mean, come through Lana`i High School through here, and all these ditches do connect, and it goes down Fifth Street, it goes to Hawaiian Homes, it will go to you guys, that's a guarantee, and then it will get flooded by the waste water treatment plant because there is no accessibility of the water to flow to Mississippi. It's a smoke screen for it to go to Mississippi. Unless you guys, the engineers, can go there and look at the place, then I will accept that the water will flow to Mississippi.

Ms. Kaye: Could we agree that we'll make, going forward to County Council, that at the appropriate time when the infrastructure goes in that a closer look be given to the drainage pattern?

Mr. Mano: Because I know you guys are concerned with your project, I know that. But there's other concerns too because that waste water treatment plant is the County's waste water treatment plant. And if it floods, it might erode. And if it erodes, it might affect the pond. Then it will cost the County more money. But thank you for your time.

Ms. de Jetley: Because the detention pond is going to be next to the area for future school sports facilities, is it going to be fenced?

Mr. Okahara: Yes.

Ms. de Jetley: It will be fenced.

Mr. Okahara: Yes, it will be fenced. It has to be fenced.

Ms. Kaye: Thank you.

Ms. Zigmond: I have two comments and one question. It seems that most of the

environmental assessment studies that we get all have used the same place where they cut and paste, and there's some inaccuracies that I would like to correct and one is page 28, about middle way through the page, it say also the Lana`i Community Hospital - yes we have that. Also in Lana`i City is the Lana`i Health Center. I'm not sure what that refers to. We have two out patient medical care places that is Straub Clinic and the Lana`i Community Health Center, so I'd like to make that correction.

And on page 30, the last paragraph, it talks about all those wonderful recycling places that are non-existent. We wish we had them, but they are not here. And I wish people would stop putting them in the reports. And on pages 35 to 36, you talk about the water system. I don't see anywhere where you're talking about the projected potable water use, and that's a big concern for us.

Ms. Suyama: For your information, that was pointed out to us by the Water Department. So since that time, when this document – this document is going to be updated anyway – with the new final EA document, we did put in what the projected water usage was going to be for the project. And –

Ms. Kaye: I thought you said the final already went to OQEC.

Ms. Suyama: Yeah. The final did, but then what happens is that before this document goes to the Council – this is the old draft EA that's in here – so that's going to be replaced with the final EA. And in the final EA, what we said is that the proposed water use is 0.278 million gallons per day, so that was put into the final EA.

Ms. Zigmond: 0.278 million gallons per day?

Ms. Suyama: Yeah. 0.278 million gallons per day. That was the estimation.

Ms. Zigmond: Okay thank you. One other thing, I just find it really curious on page 25, the jobless rates are quoted from a 2009 source which is pretty recent, and it's probably pretty accurate. Yet right above it when you talk about the growth on Lana`i, you're citing a 2006 source.

Ms. Suyama: The source is the Planning Department when they did the Community Plan.

Ms. Zigmond: Right, but I'm just saying that the jobless rate is probably pretty accurate, whereas the growth for 2010 is really inaccurate because we're losing people. And it's saying that we should be having 3,700 plus people on the island. So there's kind of like an inconsistency there in my opinion.

Ms. Suyama: You're right. Unfortunately the available data, the unemployment rate are

done on a monthly basis, so you get a really an updated list. And even in this one because I believe I had amended it, the unemployment rate because the most recent ones came in. So when the final EA went out, it had the most recent. Unfortunately, the population projection, the only recent information that we have has come from the Planning Department, and it is that 2006 report that they did. And they haven't provided or they don't have any more recent information that's available.

Ms. Zigmond: That is so overstated. Then I think maybe a talk to our local post master would've given a more accurate estimate. Thank you.

Ms. Kaye: Matt? Letty?

Ms. Castillo: I would concur with what Pat had been recommending, maybe to address the speeding by the school side. Maybe be can just put the speed bump instead of those costly round-a-bouts, and more sidewalks for the children to cross to the school. Because when I pass by that area, I don't see any crosswalks for the kids or any crosswalk at all, after the Caldwell Avenue. So I would like more crosswalks in there for the children coming from that area.

Ms. Kaye: Thank you Letty.

Ms. Suyama: Yeah, for your information, the DOE also expressed concerns about students coming to the school, so we did, in the final EA, say that we would work with the Department of Housing of Human Concerns will be working with the DOE to make sure that there's safe pedestrian traffic for children, so they work with the school system to do that.

Ms. Kaye: Okay, thank you Colleen.

Ms. Suyama: Yeah, and for your information, there will be sidewalks provided on Fifth Street on both sides of the project.

Ms. Castillo: And maybe speed limits also for that area.

Ms. Suyama: Right.

Ms. Kaye: Gerry, any more questions or comments?

Mr. Rabaino: I'm just going to start. On page 27, but I know it was already mentioned earlier, but on page 27, it says 58 homes, but you guys going do this in increments. The first increment is proposed to include approximately 58 single-family home lots, and 23 multi million units.



Ms. Suyama: Multi-family.

Ms. Rabaino: Multi-family, excuse me. Okay, I ready for sleep. Okay, on your first phase when you look at your map, in the beginning of this over here as indicated, under figure five, those dotted area of yellow, is that with the yellow highlighted on this diagram, on figure five, is that the first 58?

Ms. Suyama: Yes, those are the single family residential units.

Mr. Rabaino: Okay, now my concern is when you're looking at this map, everybody is talking about the roadway. I travel down that road because I have a friend, several friends that live at Hawaiian Homes. They talk about crosswalks. There's a crosswalk entering from Lana`i Avenue going in there. There's a crosswalk there. There's a crosswalk by Olopuu Woods. There's another crosswalk ending at Olopuu Woods before you go into the Hawaiian Homes. So there's three crosswalks there. But if you look on the school side, as far as ADA ramps are concerned, I only see two there if I remember correctly, an none on Olopuu side. As far as speed bump is concerned, I think three speed bumps would be more accurate in numbers to slow down the traffic flowing through that Fifth Street. They talked about water drainage. Yes, Lana`i does get a lot of water as Matthew stated. And coming down from Cavender's golf course, when water flows there, you don't have enough drainage system to direct the water there because the streets above – Ilima, Koele, Jacaranda, Houston – it's not well maintained, and they don't have any drainage systems there. So the water will be going any kind of way. And even though you have all this from this diagram, you'll have that pool of water going down in that retention pond is going to help.

Ms. Kaye: Gerry, excuse me? I'm not sure you heard us, but we dealt with that by making a suggestion that that's going to be revisited, okay? We're going to suggest that be revised.

Mr. Rabaino: Page 46, moving along, okay, you've got over here, respond new employment service related. Employment, explain what is service related. Okay, since you going built that first 58 yeah, what employment opportunities is there? We know the construction portion, but how long will that construction portion be employing people for those 58 units? What is the time table, as well as the construction, and what is the service related employment? Explain.

Ms. Suyama: Okay, I can't tell you what is the time table for the construction period. I can tell you a service related is providing services to other businesses. Like if you have construction, you have people that provide other services to that for the construction occurring at that time. Like you have people like buying lunches, you have people buying supplies et cetera from, assuming that it will be from the Lana`i community.

Mr. Rabaino: My other item over here is park. Who will maintain the park? Will it be the Company or on the site of the construction, will the County maintain those parks?

Ms. Suyama: One, this is a County housing project, so once the project is built, it is going to be a County park, so it's going to be maintained by the County.

Mr. Rabaino: Okay, on page – I've got to go down my list – the appearance and environment, will clothes line be allowed in this subdivision?

Ms. Suyama: There's nothing to prohibit it.

Mr. Rabaino: Thank you. And my next one, on page 65, 73. 65 is here. Let's skip 65, I don't have it highlighted. I have another tab over here. Okay the proposed project is being coordinated with State of Hawaii Plan expansion of Lana`i High School and DLNR. Okay, you explained that. The three projects, yeah, is that going to be in sync in overlapping as they are being built?

Ms. Suyama: We're not sure. What the County is trying to do because there's infrastructure requirements, they're trying to coordinate that one of the things we know is that each one will need some kind of sewer pump station to transport the sewage back to the sewage treatment plant. Rather than building three separate sewage pump stations, they're trying to coordinate where they all come together, build one that's going to accommodate all three projects or come up with some kind of phasing or cost sharing so that we're not building different facilities. Same thing with water improvements. If water improvements need to be put in, putting in, siding the lines so it will accommodate all three projects. What typically happens on Maui, one project comes in, they put in the line. Another project comes along, they need to increase the size of the water line, and they take out everything else and put back the new ones, the new lines. So they're trying to find out, okay, for all three projects, what needs to be accommodated and putting those infrastructures in at one time, and then doing it through a cost sharing. Those are the kind of discussions that are going on between the County, the Department of Education and Department of Hawaiian Homelands.

Mr. Rabaino: Okay, under – let me see, my tab says – it says you've got 15 numbers on your book, it says water resources. Do you have – because you didn't have any charts regarding potable, proposed potable and non-potable, but when I look behind here on my tab and if I turn it all the way in the back – bear with me. Okay, you know the onsite domestic water, yeah on Fifth Street, it says Maui County regulation requires that any development greater than 100 parcel needs, but you going be less. You're going to start the first 58. Will you be able to tell us how much of the potable water will be used for the first 58? Do you have a break down of some sort?

Ms. Suyama: I would have to refer that to the engineer.

Mr. Rabaino: Because I have another question over here for 73 acres. You're estimated in the back of this book, it says 197,000 gallons based on the standard system. What is the standard system?

Ms. Suyama: Okay Donald.

Ms. Kaye: You know what Gerry, what you're referring to is what the County Department of Water Supply estimated based on County standards. Okay?

Mr. Rabaino: Okay.

Ms. Kaye: And Colleen if you could maybe translate .0278 million gallons a day into how many hundreds of thousands of gallons. Are we talking the same number that –

Mr. Okahara: .02 –

Ms. Kaye: You said, 0.278 million gallons a day.

Mr. Okahara: Okay, so it's 278,000.

Ms. Kaye: 278,000. So that's slightly more than what the Department of Water Supply actually anticipated. Okay, so it's 278,000. So Gerry, you probably were reading when Colleen said this was incomplete, and that they have since gotten those figures clarified and they are going to, right?

Ms. Suyama: Right.

Ms. Kaye: So you're saying 278,000 gallons per day? Thank you. (*Changed cassette tapes.*)

Mr. Rabaino: Okay, on page 31 in this booklet, behind, you have an eight-inch pipe, what is the drainage pipe – how many inches is the drainage pipe that is going to be installed in the affordable housing for drainage? Is it going to be eight-inch or larger? What is your standard calling?

Mr. Okahara: The drainage don't have any pipings. It's open swale.

Mr. Rabaino: Because see –

Mr. Okahara: The water line, you talking about.

Mr. Rabaino: Correct. Yeah, where the water, you know – how can I put it? The street drainage, you know when it goes off the street and it goes down the drainage. How big is the pipe underground for drain the water, to flow the water out?

Mr. Okahara: Well most of it will be grass swales, so the water going in the grass. Only when it goes underneath the road is where you get any kind of piping, yeah. So that has to be designed for whatever flow is coming down. At this stage we're not doing design. It's conceptual yeah.

Mr. Rabaino: Okay, I know you trying to keep it affordable for the homes. I understand that totally. Okay, I guess that's it because I took my paper out of my marker here.

Ms. Kaye: Well Gerry, you can – I have still have one or two, so if you want to keep looking. Okay Commissioners, we all okay? I'm going to shoot mine really quickly here. I have a question about the single-family versus multi-family. Page 4 of the EA says the first phase is 58 single-family, 23-multi-family, yet your consultants, Appendix F, page 29, said 71% surveyed, and I had a question, there were 75 returns of the survey out of sort an unknown number. I don't know if you know how many surveys your consultant sent out.

Ms. Suyama: Not off –

Ms. Kaye: Okay. Anyways, preferred single-family and page 11, he actually recommended multi-family be delayed until single-family was completed. So I'm just curious how you arrived at the position that you needed 23 multi-family units in this first increment.

Ms. Suyama: I think that, you know –

Ms. Kaye: You don't have to find it, I just quoted it. Don't bother.

Ms. Suyama: I think that came out as part of when we did the development, the phase one development, to put in the multi-family. When we looked at the acreage and the amount of units that we being, you know, proposed, I think it came up to that.

Ms. Kaye: I guess the consultant that you hired to do the study, recommended don't do them yet. Just don't them until single-family --.

Ms. Suyama: I think the reason that they put the multi-family in also was that they anticipated that they were going to be some people that wanted multi-family units versus single-family. And I think one of the things that came out as part of the community discussion was they weren't necessarily looking for just rental units. Some of them were looking to buy the multi-family.

Ms. Kaye: Multi-family. So you would sell them as a condominium or a townhouse?

Ms. Suyama: Right. Right.

Ms. Kaye: Okay. Because also on page 10 on this appendix, and I think this appeared twice, there's this really vague reference to a 30 acre multi-family residential project planned right next door, only nobody knows who's doing it, and nobody knows what stage it's at. So I would assume it's a Castle & Cooke project.

Ms. Suyama: I wouldn't know yeah. I wouldn't be able –

Ms. Kaye: So you don't know whether there is in fact a 30 acre multi-family residential project?

Ms. Suyama: No I don't.

Ms. Kaye: Okay. The only other question – well one other question I had was on page 58 of section 3 – don't bother looking – it just says part of the community plan, our Lana`i Community Plan, was to support construction of a paved by-pass road to connect Keomoku and Kaumalapau. Obviously that's been in our community plan for years.

Ms. Suyama: Right.

Ms. Kaye: And now it's come up again as something that's needed. And in addition on your map, I saw the Ninth Street extension. Both of those seem to me really valid ways to alleviate the traffic concerns, eliminate needs for round-a-bouts and that sort of thing. When do you think they might happen, and who's responsibilities are they?

Ms. Suyama: I can't answer you when it's going to happen, and who's responsibility it's going to be. It depends on what type of road that they want to build. If it's just considered to be part of the State highway system, like Kaumalapau is, or whether it's going to be part of the County's system. That is who is going to be responsible. Or, you know, the other way is if there's some major development that occurs at some point in time that it places a zoning condition.

Ms. Kaye: I just want to clarify that in your appendix on exemptions, there's no reference to exemption from 14.12, the water availability ordinance. You're not seeking that.

Ms. Suyama: We're not seeking that, no.

Ms. Kaye: Thank you. Okay, Commissioners, last call. Okay, so how you want to do this? I sort of made a down and dirty list and I think Joe probably has too. Do you want to just

read off and see what we've got?

Mr. Prutch: Yeah, let me read off because some of it was questions, and some of it she may have answered adequately. Some of it may have been comments that you want to forward to Council, so I kind of jotted down what I thought were comments. Some of them ended up being more questions, so we'll kind of go through them and we can nix the ones you don't want, and maybe elaborate on the ones you do want to report.

First comment I have is that you do want to see under grounding of the utilities, not above ground utilities. Second one is that you wanted raised sidewalks to slow traffic.

Ms. Kaye: I think what we're saying is we're recommending, as represented by the consultant at an earlier meeting, that underground utilities be considered.

Mr. Rabaino: Can I add to that? Can you, when you do reply back to the Lana`i Commissioners, can you make some kind of cost effect on where you – the cost effect of putting underground versus over head, just to let us get an idea of the dollar signs?

Ms. Kaye: You know what, Gerry, I have a recommendation that sort of wraps up what Riki recommended, okay? Can we just hold on on that one?

Mr. Prutch: Alright, so recommend underground utilities be considered. The second one I had was raised sidewalks for calming traffic and for student's safety.

Mr. Ruidas: Joe, that was raised crosswalks. Sorry.

Mr. Prutch: Crosswalk, I'm sorry, not sidewalks. That would be interesting.

Ms. Kaye: Yeah, I actually think we would be off to say just crosswalks as required by code because I don't –

Mr. Ruidas: Raised crosswalks is easier for the car to go over. And for the people, the pedestrians walking, you know, they're higher, you can see them.

Mr. Prutch: More visible.

Mr. Ruidas: Yeah. And so it's like a speed bump and a crosswalk.

Mr. Prutch: So it covers both things. You still have the crosswalks for the students, but you also got traffic calming.

Ms. Kaye: Got it.

Mr. Prutch: I wrote down that maybe the detention basin shall be revised or re-visited. It may require more capacity as area currently floods, and could flow into the waste water treatment plant.

Ms. Kaye: I prefer that we couch that as that the drainage plan be revisited at the time of final infrastructure planning to accommodate Commission concerns on local flooding in the area.

Mr. Prutch: Drainage plan with – at infrastructure stages to accommodate –

Ms. Kaye: At the time of final infrastructure planning, to accommodate Commission concerns on local flooding of the area.

Mr. Prutch: Alright, the next one I have is I'll throw it out there, but I'm not sure if it's actually a comment as the EA has already been through in its final stage, is a comment on page 28 about the Lana`i Community Health Center. That's more of a blanket statement for future EA's that come forward to not just continue to throw out the same health statements that they throw out every time.

Ms. Zigmond: That they should actually look in the community to see what's available, and that includes the Lana`i Community Health Center and it includes no recycling as mentioned.

Mr. Prutch: Yes. That was my next one, no recycling. I'm not sure if that's comments for the Council. I don't believe. That's more comments for the EA, so I don't think I want to forward. I wasn't going to recommend forwarding that up to Council because it doesn't help with the affordable housing project.

Ms. Suyama: Regarding the health services, we did amend the final EA to reference that there is the Straub and the Kaiser Permanente.

Ms. Kaye: There's no Kaiser.

Ms. Zigmond: There's no Kaiser.

Ms. Kaye: Oh my.

Ms. Zigmond: We have Straub and a Lana`i Community Health Center. It's a community clinic. There are two outpatient facilities. Nobody ever talks about the Lana`i Community Health Center.

Ms. Suyama: Okay, what I did put down – this is what I put down is Lana`i City is the

Straub Lana`i Family Health Center which provides outpatient medical care for the island's residents including Kaiser Permanente members.

Ms. Kaye: No.

Ms. Zigmond: No. And you are omitting the Lana`i Community Health Center. We have two.

Ms. Kaye: They're two separate entities. They are not at all connected. Kaiser does not exist here.

Ms. Suyama: Okay. No because when I looked under the Kaiser site, they said it was by Straub that's why. Okay, sorry.

Mr. Prutch: You mentioned discussing the potable water use. I don't know if that's more of an EA comment or if that's a general comment for the Council.

Ms. Kaye: I believe the question involved the absence of any information as requested by the Commission on Water Resource Management and the Department of Water Supply, and Colleen corrected that to say that those figures had been calculated and will go in the final EA, so I don't think that has to.

Mr. Prutch: That is in the final EA, and that will go to the Council.

Ms. Kaye: . . . (Inaudible. Did not speak into the microphone). . .

Mr. Prutch: Well, the final EA will go to the Council.

Ms. Kaye: Right.

Mr. Prutch: Okay. But that's what I mean, they've got it in the final EA, so they will have that discussion. The jobless rates, I think Colleen discussed that. I mean, they can get the jobless rates very current, but unfortunately the growth rates are from 2006, and that's the data that's available. I'm not sure if there's a comment there for Council.

Ms. Kaye: Maybe we would recommend to Council take a close look at the projected growth figures at the time this project comes to them for accuracy and timeliness.

Mr. Prutch: Okay. There seems to be a consensus for addressing the speeding by the school either through speed bumps, raised crosswalks. It seems like to consensus was more of that and maybe not the idea of the round-a-bouts. If that's the consensus of your group to forward that -- you definitely wanted some kind of calming devices on Fifth Street.



And from what I heard, it was either more of the bumps, or more of the traffic calming tables, raised crosswalks, rather than the round-a-bout idea. Is that kind of the agreement there? Yes? Okay.

More sidewalks for the students. Although from what Colleen mentioned, it sounds like they're working with DOE, and it sounds like there are going to be sidewalks on both sides of Fifth Street so that will allow the students, both sides to walk down and crosswalks to get back and forth to either side. So I'm not sure if that's a comment that needs to be included. If it's something they're working with now, but –.

Mr. Rabaino: . . . (Inaudible. Did not speak into the microphone) . . . because you have one at the beginning, and one over . . . (Inaudible. Did not speak into the microphone) . . .

Ms. de Jetley: Joe, I have a comment.

Mr. Prutch: Mines on.

Ms. de Jetley: I have a comment.

Mr. Prutch: Yes?

Ms. de Jetley: These sidewalks are going to be in the subdivision too right? You're only talking about Fifth Street?

Mr. Prutch: Yes. I'm talking about mainly Fifth Street for the students.

Ms. de Jetley: But there will be sidewalks in the subdivision.

Mr. Prutch: Yes. Both sides or one?

Ms. de Jetley: One side in the subdivision.

Mr. Prutch: Yes.

Mr. Okahara: . . . (Inaudible. Did not speak into the microphone) . . .

Mr. Prutch: So Fifth Street, both sides; and then within the subdivision, it sounds like one side, and then I thought I heard grassy swale on the other. Okay, so that seems to be fine. It seems like we've got the crosswalks, and we've got the sidewalks for the kids on Fifth Street. I think it's the main concern. Once they get into the subdivision, there's less traffic and they will have a sidewalk on one side anyways. Okay. It sounded like you want the

Council – well, to consider coordinating the infrastructure with all three of the projects to share in the facilities and the cost of facilities. But it sounds like Colleen said that they are working with DOE and Hawaiian Homelands to do that already anyways, so I don't know if that's a comment. I started writing this down, and I heard them. Some are comments and some are not.

I think this was more of a question. You were asking about the underground drainage pipes, how large they would be. I think that's more of a question for future infrastructure when they get down to the nitty gritty. Single family versus multi-family, it was more a question. Market study – the market study, instead of suggesting no multi-family in the first phase.

Ms. Kaye: Joe, these were just questions.

Mr. Prutch: Like I said, I was jotting down questions, comments, just try to figure it out, rather than not have it. And then I don't know if this was more of a question, but there was no answer for this one. It was just more of a -- the future extension roads – Ninth Street, some of the highways, Fifth Street – when will they be built and how would that happen.

Ms. Kaye: There was no answer.

Mr. Prutch: Yeah, so maybe that's comment you want to forward up to the Council just as a head's up and when this is going to be done.

Ms. Kaye: If the County would build it. You know what folks, I wonder if that's not a bad idea, to forward a comment that the Commission is concerned about the impact of traffic. If the proposed extension on the Keomoku side and Ninth Street side are not built, coterminously with the project as it develops. Is that okay?

Mr. Prutch: Yeah, that sounds good. And that's all I have.

Ms. Kaye: Then I have one more.

Mr. Prutch: Hold on.

Ms. Kaye: We would recommend that County Council request an engineering report to address the cost impacts on the project if a mixture of 5,000 square feet and 6,000 square feet, and a certain percentage of self help units, and underground utilities could be calculated.

Ms. de Jetley: Madame Chair? On this could we recommend that we not have zero-lot line lots?

Mr. Prutch: You could do that.

Ms. Kaye: Recommend to County Council that zero-lot lines not be considered for this project.

Mr. Dennis Kimura: On the conceptual plans, all the corner lots is 6,000 square feet.

Ms. Kaye: And with the setback, the actual useable land is what?

Mr. Kimura: Well useable is depending on your setbacks.

Ms. Kaye: Well, I have a corner lot, and I have an interior lot, and my interior lot is bigger than my corner lot because of the setbacks that are required by County code. So that doesn't give you more space unfortunately to use.

Mr. Kimura: That's true. Dennis Kimura, Pacific Architects.

Mr. Rabaino: I got one more question for you David. Okay, you say your corner lots are 6,000 square foot, right?

Mr. Kimura: Yes.

Mr. Rabaino: Is there going to be any easement behind like drainage, because you're talking about swales?

Mr. Kimura: Well, that hasn't been designed yet, as far as easement and things. But as far as -- all the utilities are outside the property, so you won't have any easements.

Mr. Rabaino: Or drainage?

Mr. Kimura: Drainage is through swales. It's along side the right-of-way.

Mr. Rabaino: And the only reason I brought that up because my, in Lalakoa III, in the backyard of our 5,000 and 7,000 square foot, the back side is where all where the water drains.

Mr. Kimura: Yeah, that may be a drainage plan for your subdivision, but it doesn't occur here as far as I know.

Ms. Kaye: Thank you. Okay, I think we need to make a motion to accept those recommendations as Joe has captured them and to send to County Council.

Mr. Dwight Mitsunaga: Getting kind of sleepy already.

Ms. Kaye: That means you get to stay over night yeah?

Mr. Mitsunaga: Yeah, unfortunately I can't go home tonight. So, but my name is Dwight Mitsunaga, from Pacific Architects. And I just wanted to say that, you know, like tonight I'm sitting there listening to a lot of things that have been coming up and some of these were never mentioned before. You talked about a sediment, you know, a block in the (inaudible) down at the treatment plant, and now all the concerns about traffic and crosswalks and everything. And I just wanted to let you folks know that actually at this stage, we're really at a conceptual stage. We're trying to get you folks to approve, having something ready, so that when time comes, I mean, I know Lana`i is hurting as much as everybody else in the rest of the State. And if you have this in place, at least when the time comes, and the Council looks at everything and say, you know, we have to help the people of Lana`i. How do we do this? And if this is in place, at least they can say, well let's put some money on the sides and let's create jobs. Let's do the infrastructure. Let's get some of these construction going so we can get the economy going again. We have construction going, the money going in there. We can help some of the small businesses. There's so many things that are, you know, going to come out of this. Right now the – I've seen an announcement for design build questioning requests for the school. They're looking at doing the first phase of that expansions with the classrooms. In fact, we're looking at that, we're looking at the contractors right now. But just that alone will help to spur on rentals, have the people working again, and you know, there's a whole lot that they can go on. And I hope that you guys would kind of push this along. And a lot of the concerns that you have and if you put it in writing and get it to the proper people like even with the bypass road, the extension of Ninth Street. These are all things that we looked at to make the development more efficient, more workable, you know, so that you don't create a lot of traffic congestion and everything.

The issues about a speed bump or raised walkways and all that, that will come later as it develops. Any time you raise, especially if you going down hill in a development, you put a raised walkway across the road, you're impeding the flow of the water and surface drainage, so that has to be looked. Development of swales, you have the water flowing ever which way. We have to try to control that. The detention ponds, the retention ponds, it will conform to every safety requirement and everything. You can be assured that whatever is built will comply with, you know, all the safety requirements and concerns. And hopefully all the agencies will review and make sure that everything is built correctly. So you know I just wanted to let you guys know that, you know, all this effort you're putting in shouldn't be wasted. It will be addressed.

Ms. Kaye: Well, let us reassure you that some of us know how many years this has been in the making and we can't pick our timing. And we understand that once this is – once the

infrastructure is in, the rest will follow. We understand that's a matter of timing. But please understand that some of us only get one shot at this. We will be off the Commission before long, and if we don't make our comments now, we're out of luck.

Mr. Mitsunaga: Yeah, and you know, just to let you guys know that, you know, we also do work in Honokau in the Big Island, and I've been working with them for about seven years now. And you know economy they lost all the plantations and everything. They're in a restructuring mode. Right now we're developing – we demo out the old hospital and we renovated and we also added to it creating a distance learning type of situation over there. We're working with the university to create an education and research center there where they can re-educate the people to get into different type of jobs and everything. So you know, everybody is hurting and trying to get better so I hope you guy, I wish you guys all the luck too to everything.

Ms. Kaye: Two words I'd love to hear, infill and adaptive reuse. Those sorts of concepts would do very well here.

Mr. Mitsunaga: If you have any questions, since we're here, we'd be glad to answer whatever.

Ms. Kaye: Okay, so did we make a motion? Okay, could I have a motion?

Mr. Rabaino: I going try now, don't laugh. I'd like to make the motion, what you had mentioned over there because I'm not going to remember all that, with all the comments and recommendations.

Ms. Kaye: Be forwarded to County Council.

Mr. Rabaino: Forwarded to County Council.

Ms. Kaye: Okay, do I have a second?

Ms. Castillo: I second.

Ms. Kaye: Okay, further discussion? Okay, all in favor?

Planning Commissioners: "Aye."

Ms. Kaye: Any opposed? Alright, motion carries. Thank you very much!

**It was moved by Commissioner Gerald Rabaino, seconded by  
Commissioner Leticia Castillo, then unanimously**

**VOTED: to forward comments and recommendations as discussed by the Lana`i Planning Commission to the County Council.**

**D. UNFINISHED BUSINESS**

**1. Chair’s request that a workshop be given on procedures for community members to follow when an SMA or building permit or code violation is suspected.**

**a. Planning Director’s Memo dated January 11, 2010.**

**The Commission may conduct discussion on the matter and take an action regarding the workshop.**

Ms. Kaye: Okay, since given the hour, under unfinished business, we have Chair’s request for a workshop. We have a Planning Director’s memo which I am most unhappy to note came to us tonight even though it was written on January 11<sup>th</sup>, so I’m not going to give us the time to read it. We can take it home and look it over and assess it and come back next meeting, so please put that on the agenda for next time. And I will make a note again for the multiple times on this Commission that we do not need to jam up our agendas to this degree, that please take a little consideration for our guests that have to stay late, and not put as much on as we possibly can. The open Lana`i project report is next.

**E. DIRECTOR’S REPORT**

**1. Open Lana`i Applications Report.**

Ms. Zigmond: Joe are you – Kathleen, you doing the open projects?

Ms. Aoki: I can.

Ms. Zigmond: Okay, because I’ve got some questions.

Ms. Aoki: Miki Basin is at Council. The Lana`i Airport, I have a letter here.

Ms. Kaye: Yeah, that’s a communication to us. They came and made a presentation. I think we’re okay with that one.

Ms. Aoki: Okay, so you’re okay with that one. The Lana`i affordable housing, you just reviewed tonight. The Senior Center you had at your last meeting, so the comments are being worked on and being sent to the applicant. The Lana`i Community Health Care

Center, the design review – it's under design review. In other words, the Planner has it and it's being processed and they're looking at the design review.

Ms. Kaye: So that's a request for comments?

Ms. Aoki: Right.

Ms. Zigmond: I just note that's the facility that nobody puts in their EA's.

Ms. Aoki: Okay.

Ms. Kaye: Yeah that's right. This is the facility everybody ignores.

Ms. Aoki: The Lana`i recording studio, according to the Planner, he contacted the applicant and gave the applicant additional time to provide – we're missing information to process the application. And the applicant says he'll get it to us, but we haven't gotten anything in the last 60-days. So if we do not receive anything, he's been given a deadline and we will close the application out.

The trailer office on Lana`i, the SMX, was approved.

Ms. Zigmond: Now, can I ask you, is that a special management exemption?

Ms. Aoki: Yes.

Ms. Zigmond: Doesn't that come before us?

Ms. Aoki: No, your rules do not state that SMX's come before you. From what I was advised, you have requested that, but it has not been approved by the administration.

Ms. Kaye: Oh, yes it was, two years ago.

Ms. Zigmond: Yes it was. So that should not have been approved.

Ms. Aoki: Okay, I will follow up on this.

Ms. Kaye: We do not know what it is, and you know, I don't know it's an issue, but exemptions, we asked for that exemption. I wish Joe was here. He tried to talk us out of it, and we asked to do a study on how many exemption requests had come to Lana`i, and he said you'll be just like Moloka`i, you'll be bowled over. And he came back and said you had three in five years.

Ms. Aoki: Yes, it's been very few.

Ms. Kaye: And so, no, it was changed.

Ms. Aoki: Okay, I can follow up on whether or not you guys have – because I was told you don't –

Ms. Zigmond: We do have it, but although please confirm that for yourself. But the question is, if your statement is correct, that it has already been approved, then what happens then because whoever did the approving doesn't have that approving authority.?

Ms. Aoki: Right, it was approved by the Director.

Ms. Zigmond: Jeff, you're in big trouble.

Ms. Aoki: Well actually -- yeah.

Ms. Zigmond: So what happens next? What happens then Kathleen?

Ms. Aoki: That is a good question.

Ms. Kaye: How about you bring us a report back next month. No, I'm sorry, we're not waiting a month. We'd like communication from Director Hunt on what procedure would now be followed given that exemptions –. And I actually have a – we all just got a copy of our rules, and it should be in there, but it was changed. No we need to know that now.

Ms. Aoki: I'll follow up. As soon as I get back tomorrow. Okay, then lastly the Koele Villas, we just got the application. They're requesting flexible design standards so we're looking over that application.

Ms. Kaye: Hold it. Hold it, let's back up. First of all, we got side tracked on this exemption situation, and I'm looking at our rules, I can actually cite you the provision. I believe it's all proposed action within the Special Management Area recommended exempted shall be placed on the agenda for review and final determination of next Commission meeting. This is section 12-402-13.1.

Mr. Rabaino: Ha-la.

Ms. Aoki: Ha-la, yeah, because I asked.

Ms. Kaye: So back to the original question. What is this, this SMA? Do we know what this trailer thing is?



Ms. Aoki: Yes.

Ms. de Jetley: Could it be the trailers that they're going to use as a kiosk down at Hulopo'e Beach Park? That was the only one. The park ranger trailer.

Mr. Prutch: It's a park ranger trailer mainly, and I think a kiosk for information.

Ms. Kaye: So we've clarified that. So now we need, I would say, potentially this should be an agenda item. If this exemption was given erroneously by the Director, it needs to be front and center, top of our list, next month so the applicant is not held up by procedural.

Ms. Aoki: Correct.

Ms. Kaye: Okay, and the Villas. I know it's a request for comment, but what is this about? What are the Villas? I mean, I know what they are, but what phase of the project is this?

Ms. Aoki: That, all I got from the Planner was that they're requesting flexible design standards.

Ms. Kaye: What does that mean?

Ms. Aoki: What I was explaining in a project district, when they come in and they say we'll in the project district, maybe we don't want to meet the County code on the roads, we want to make them narrower. Because they remain private, they don't have to meet those requirements. So it's things like that, looking at – just things that don't conform to the normal . . . (inaudible. Problems with the recording equipment) . . . get exemptions from it and approval for it. And they can do that in the project district.

Ms. Kaye: So I'm assuming then this is a Castle & Cooke project and they're looking for an exemption from a County code procedure of some sort and we just don't know what that is tonight.

Ms. Aoki: Right because the application just came in so they're asking for our comments on these flexible design standards.

Ms. Kaye: Okay, anymore questions on open Lana`i? So we're clear Kathleen, you're going to go back and talk to Mr. Hunt. We love Mr. Hunt. He even comes and sees us sometimes, we realize this. But this was – I mean, I have the rules right here. You got my section, right?

Ms. Aoki: Yeah. We're going to do a communication back to you.

Ms. Kaye: Please communicate with us as soon as possible on how we should proceed on this. And if nothing else, it needs to be on our next month's agenda.

Ms. Aoki: Right.

Ms. Kaye: Okay guys, we've got some other things to read, but we're not going to go over them tonight. So you bring any comments you have to next month. Anybody know if they're not going to be here next month?

Ms. Zigmond: I just wanted to verify that SMA exemption will be on the agenda next month?

Ms. Aoki: What we're going to do we're going to determine if it needs to be.

Ms. Kaye: Well, I think it has to be because our rules have said for over a year that only we can grant exemption.

Ms. Aoki: Right. That's what I'm saying. If that's the case, then it definitely will be. But I'm going to back, we're going confirm why the Department did the SMX approval in the first place -- if we did have jurisdiction, if we didn't -- we're going to communicate to you.

Ms. Zigmond: There's no way that you did have jurisdiction.

Ms. Aoki: We're going to do all that we can to get it on the agenda. I just don't know what's planned for the next agenda.

Ms. Kaye: No, no, no, no. It's going to be on the next agenda. I will take Clayton to the mat on that.

Ms. Aoki: Okay, it's going to be on the next agenda.

Ms. Kaye: He can take something else off. There's nothing. Generally you give us a month's notice if there's something on the agenda that has to be dealt with in a timely manner. I see nothing.

Ms. Aoki: Yes. I wasn't aware of anything. Okay.

**2. Agenda items for the February 17, 2010 meeting.**

**F. NEXT REGULAR MEETING DATE: February 17, 2010**

**G. ADJOURNMENT**

Ms. Kaye: Okay guys, anything else? Okay, good work. Thank you all. Meeting is adjourned.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 9:55 p.m..

Respectively transmitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions I

## **RECORD OF ATTENDANCE**

### **PRESENT:**

Sally Kaye, Chair  
Stanley Ruidas, Vice-Chair  
Matthew Mano  
Beverly Zigmond  
Leticia Castillo  
Alberta de Jetley  
Gerald Rabaino  
David Green

### **EXCUSED:**

Dwight Gamulo

### **OTHERS:**

Kathleen Ross Aoki, Deputy Planning Director  
Joseph Prutch, Staff Planner  
James Giroux, Deputy Corporation Counsel