

PLANNING COMMISSION
COUNTY OF HAWAII

HEARING TRANSCRIPT
JANUARY 11, 2008

A regularly advertised hearing on the application of **MAUNA KEA BEACH HOTEL CORP. (SMA 07-000023/USE 07-000010)** was called to order at 3:36 p.m. the King Kamehameha's Kona Beach Hotel, 75-5660 Palani Road, Kailua-Kona, Hawaii, with Chairman Rodney Watanabe presiding.

PRESENT: William Graham
Takashi Domingo
Shelly Ogata
Alvin Rho
Rodney Watanabe
Rell Woodward

ABSENT & EXCUSED: C. Kimo Alameda
Andrew Iwashita
Rene' Siracusa

Ivan Torigoe, Deputy Corporation Counsel
Christopher Yuen, Planning Director
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

And approximately 12 people from the public in attendance.

APPLICANT: MAUNA KEA BEACH HOTEL CORP. (SMA 07-000023/USE 07-000010)

- a. Special Management Area Use Permit to allow the demolition and reconstruction of the Mauna Kea Beach Golf Course clubhouse and related improvements.
- b. Use Permit to allow the construction of the golf clubhouse and related improvements on portion of a 3-acre area zoned Resort-Hotel (V-1.25) and Open (O).

The area involved is the site of the existing golf course clubhouse at the Mauna Kea Beach Hotel complex, Ouli, South Kohala, Hawaii, TMK: 6-2-2:por. 4.

WATANABE: We are now on Agenda Item 3. The applicant is Mauna Kea Beach Hotel Corporation, SMA 07-000023. And there are two items here, there is also a Use Permit 07-000010. Norman.

HAYASHI: Thank you, Mr. Chair, Members of the Commission. Referring to the location map, and just to let you know we're just testing this out. It's something new that we're going to start this year and try to give you a presentation by, I guess, through the multi-media production.

The Mauna Kea Properties complex is located in this general configuration, as well as across the Queen Kaahumanu Highway which is in this north-south configuration. The current Mauna Kea Beach Hotel is located in this proposed shaded area. Just as a matter of orientation, this is where the Hapuna Prince Hotel is situated. The colors on the map indicate the various zoning districts. As indicated earlier the purple areas are Resort. We also have Multiple Residential zoning that is

indicated in brown. Single-Family dwelling would be in this shaded area, as well as this particular color yellow. The green shaded area is zoned Open. The applicant is requesting a Special Management Area Use Permit to allow the demolition as well as the reconstruction of the Mauna Kea Beach Hotel golf course clubhouse facility. Also requested is a Use Permit to allow the reconstruction of the golf course clubhouse. And the reason why a use permit is required is that the property is zoned Resort and Open and the Zoning Code requires that a Use Permit be granted by the Planning Commission before a golf course or golf-course related facilities can be allowed within these two zoned districts. The existing, I'm just going to skip over some of these. Okay, and I'll go to this particular map. And although it's listed as a proposed parking plan, and all of you have a copy of this particular map, the proposed clubhouse facility would be generally where it's currently situated. The existing clubhouse is approximately 20,000 square feet in size and the reconstructed or new clubhouse would be situated in the same location but would be increased slightly by 2,000 square feet for a total of approximately 22,000 square feet in size. Now as part of the, the structure would include a golf shop, locker rooms, the golf cart storage area, golf administration area and a restaurant. There are currently 60 parking stalls provided in this general configuration. The green shaded stalls are those areas that are set aside for the golf course users. And the blue shaded stalls are those, 30 stalls that are provided for users of the beach; these are basically public access parking stalls. Ten of these stalls were required as part of the settlement agreement between Mauna Kea Properties and Akau et al. back in I believe the eighties, early eighties, or late seventies. And 20 additional stalls, these blue stalls, were provided voluntarily by the applicant. The cost of the proposed improvements would be approximately 6.5 million dollars and construction will be completed in late 2008.

The Planning Director is recommending approval of both permits and with the normal standard construction conditions, as well as a Condition 3. However, the Director would also like to at this time amend the initial Condition 3 to state as follows: "Ten additional parking stalls shall be provided for public access to the shoreline for a total of 40. The additional stalls do not have to be located in the vicinity of the golf clubhouse but may be located in the vicinity of the Mauna Kea Beach Hotel or other sites providing equivalent shoreline access." So these are the conditions that are being proposed, I mean this is one of the conditions that is proposed by the, or recommended for adoption by the Planning Director. Are there any questions?

WATANABE: Yes. How do we get to a total of 40 if 10 was originally required back in I believe it was 79 and Mauna Kea Beach Hotel Corp. has indicated that they have on their own accord provided a total of 20? How did we get 40?

HAYASHI: If I may explain, the initial settlement agreement required 10 parking stalls.

WATANABE: Right.

HAYASHI: Okay. The Mauna Kea Properties voluntarily provided 20 additional public access parking stalls for a total of 30. So now we are requiring that the applicant provide 10 additional on top of that 30. So that would total 40 public access stalls.

WATANABE: Thank you. Do we have any further questions of the staff? Okay. Let's see, do we have the representatives here for Mauna Kea Beach Hotel Corporation?

MAPES: Good afternoon.

WATANABE: Good afternoon.

MAPES: I was hoping it would be good morning, but I guess it's good afternoon.

WATANABE: We were hoping also but unfortunately -.

MAPES: My name is Anne Mapes.

WATANABE: Yes. Would you both raise your hands, please.

MAPES: Yes.

WATANABE: Right hand. Do you swear or affirm to tell the truth now before the Planning Commission?

MAPES: Yes.

ING: I do.

WATANABE: Thank you. If you would -.

ING: Let me, my name is Douglas Ing. I'm one of the attorneys for Mauna Kea Beach Hotel Corp.

WATANABE: Okay. It sounded like you were going to provide testimony. And so if you would state your full name and address.

MAPES: Yes. My name is Anne Mapes. I'm with the planning firm of Belt Collins, which is at 2153 North King Street, Honolulu, Hawaii. And I am representing Mauna Kea Beach Hotel today. We won't be doing a formal presentation because we think that the staff has provided a thorough report and presentation for our project that's a replacement project. And so we will go with the staff's report. We don't really have anything else to add to that. But we have reviewed the conditions, the proposed conditions of approval, and the applicant concurs with those conditions. And, of course, we will be available for specific questions from the Commissioners. In addition, before we answer questions, we have one small item which Mr. Ing will address which concerns a change of name of the applicant since the application has been submitted.

WATANABE: Thank you.

MAPES: You're welcome.

ING: Thank you. May I proceed, Mr. Chair?

WATANABE: Name and address, please.

ING: Yes. Douglas Ing. My address is 999 Bishop Street, 23rd Floor, Honolulu, Hawaii 96813.

WATANABE: Thank you.

ING: Just a correction on the name of the applicant for the record. On December 31, 2007 three things happened with respect to the Mauna Kea Beach Hotel Corp. The first was that Mauna Kea Beach Hotel Corp, which is the applicant here, was merged with the Hapuna Beach Prince Hotel Corp. Secondly, the surviving entity of that merger is the Mauna Kea Beach Hotel Corp. which is the applicant. And the third thing that happened was that Mauna Kea Beach Hotel Corp. simultaneously was converted to an LLC. So it is now known as Mauna Kea Resort LLC; and I do have the documents that have been filed with the Department of Commerce and Consumer Affairs noting these changes. And I would like to give a copy to the planning staff.

WATANABE: Thank you. So to make it clearer it's Mauna Kea Resort LLC now?

ING: Yes.

WATANABE: Okay, thank you.

ING: And they are the owner of the property.

WATANABE: Thank you. Are there any questions? Mr. Graham.

GRAHAM: I just wanted to ask Mr. Torigoe. Are there any legal issues that we should be aware of with regard to the name change?

TORIGOE: You do have a, I guess, items before you are technically contested case items. Rule 4-16 says "Upon written request and for good cause shown, the Commission may order the substitution of a party, except that in the case of death of a party, substitution may be ordered without the filing of a written request." I don't know if this, would you consider this as a substitution of a party or just a name change?

ING: It's not a, well -. It's a change in the status of the entity from a corporate form into an LLC form. So it was converted. It's the same company. It just has a different corporate form.

TORIGOE: Okay. In any case, it seems that it's, you know, if it just changed its form, it's the same entity basically; but it's just the form -.

ING: Yes.

TORIGOE: Okay. I think if you have that clear on the record and there are no other issues or objections, then you can go forward.

WATANABE: Are there any other concerns or any other questions? Mr. Domingo.

DOMINGO: Mr. Chairman, you know, I'm reading this letter here by the Native Hawaiian Legal Corporation. And as I read it, you know, it gives me a, I have a perception as to what they've written here that the hotel is somehow denying or regulating the amount of visitors entering into the property going down to the beach. And the statement that they were told that there were no public beach parking spaces when in fact there were, and that there were no parking spaces or passes when in fact there were four open public spaces, and that in regards to the pass system, that the easement was created even before Mauna Kea Beach Hotel had permitted any security or pass system. I don't know. You folks would like to explain that or you have anything to say with regard to the assertions made here?

MAPES: There is a system in place at Mauna Kea to make sure that there are enough spaces available for the public to park; and as you see there are 30 public parking spaces. So in the rare times when all the spaces are taken, then people can go down to the public parking and drop off their passengers at the beach. And as spaces open up then as people leave, others can come in. Now in preparing for this hearing and the application, we have reviewed the past record and this, you know, we just became aware of this letter today; and in our preparation we, this incident had not been reported. We were not aware of this particular one. But there is a system in place so that it's orderly and that people can be accommodated; and we recognize that it is a popular beach.

DOMINGO: Mr. Yuen, in negotiating for the public beach access, was the pass system discussed or mentioned?

YUEN: You mean, in connection with the most recent application or -?

DOMINGO: No, I think this would be at the beginning when the public access was required of them in the inception of the opening of the hotel.

YUEN: I don't know but I believe it was authorized by the Planning Director at some point quite a long time ago; and it has been in effect for quite some time. I don't consider it a violation of their public access requirements to control the use of parking spaces by giving a parking pass. They said they have a public access. You can go in and drop somebody off, but they have a limited number of parking places. My understanding the pass system is used to control who gets, so that they don't let in more people than the number of parking spaces that they have.

DOMINGO: So at the present time you have 30 parking spaces?

MAPES: That's correct.

DOMINGO: And it would be increased by 10?

MAPES: Yes. It would be increasing by 10 for a total of 40.

DOMINGO: Okay, that's all the questions I have, Mr. Chairman.

WATANABE: Any further -? Mr. Graham.

GRAHAM: Mr. Torigoe, could I permissibly speak to a personal experience on this very issue?

TORIGOE: Normally we would not, we would discourage Commissioners giving testimony, factual testimony regarding the merits or matters that are at issue.

GRAHAM: Okay.

WATANABE: Thank you. Any, yes, Mr. Domingo.

DOMINGO: But, Mr. Chairman, if Mr. Graham has some information that would shed some light on the issue of public parking or public spaces for access to the beach, I think it would be well for us to know about it because in fact we have received a letter, official, a letter stating their concerns about it. And, you know, I certainly would like to know about it.

WATANABE: Why don't we try to, well, -. Well, let me ask the applicant then, how do you feel about that? Generally, like counsel had indicated, we discourage factual testimony from Planning Commissioners. I have no idea what Mr. Graham has to say but how do you feel? Do you feel comfortable with allowing him?

ING: We're comfortable allowing Mr. Graham to speak. We don't intend to ask him any questions and it may shed some light. Mr. Chair, I do want to add something to Ms. Mapes' response to Commissioner Domingo. From time to time the hotel does receive complaints from the County Planning Department about the beach parking access. And I will say that the hotel does take those very seriously. We do investigate. We have from time to time had training sessions with those at the entry station to improve public relations and to allow better access. One of the difficulties has been that we not only control or try to manage the access on the Mauna Kea Resort LLC property but also at the Queen's property which is an adjacent property just to the north. There is no mauka-makai access to the 10 stalls there. We have instituted this pass system which consists of a placard that is placed on the windshield. It does have 30 of those for the 30 at Mauna Kea, and an additional 10 for the 10 at the Maumae. And so that's the basis for the system, and it has been in effect for many, many years; and we have from time to time described the system and reported to the Planning Department how that system does operate. But we do indeed take complaints very seriously. We do try to investigate them. Many times those are referred to me for assistance on what exactly the procedure is. Anyway, thank you.

WATANABE: Thank you. Mr. Yuen, would you have any objection to Mr. Graham providing testimony?

YUEN: No.

WATANABE: Well, in light of that then you're welcome to proceed, Mr. Graham.

GRAHAM: Thank you. I just wanted to relate that I did have a similar instance to what they are speaking of in this letter where I do visit the beach, you know, somewhat frequently and went down one day and I was told that there were no parking places available.

And then I said, well, then maybe I'll have to go to Maunae Beach, so they gave me a parking sticker to go to Maunae Beach. And on the way going to Maunae Beach, I just kind of drove down to the normal Hapuna Beach, I mean normal Mauna Kea parking to validate the situation and, in fact, there were only like four or five stalls taken. There was like 20-something open. So then I went ahead and went to Maunae Beach; and when I got home, I called up the hotel and asked for the head of security and told him the particular situation. And they were very helpful and asked me if I could describe who was the attendant up front; and I described the attendant and they said thank you for your commentary, we have had a complaint about that attendant and we're going to take care of that issue for you. And then since then I've never seen that attendant there and I've never had any further problems. So I do feel like they take it seriously and maybe have corrected already the problem that's referred to here.

WATANABE: Oh, thank you. Well, it worked out in your favor. It seems you do take it seriously. Do we have any further questions for the applicant? So I take it then you are comfortable with all of the conditions, even inclusive of the revised Condition 3?

MAPES: Yes, we are.

WATANABE: Okay, thank you. You may be seated then. We do have three individuals who have signed up for public testimony. So Elmer Gorospe; oh, boy, Greg -, I don't want to take a chance at murdering your last name; David Kimo Frankel. Okay, will each of you raise your right hand, please, so I can swear you in. Do you swear or affirm to tell the truth now before the Planning Commission?

TESTIFIERS: I do.

WATANABE: Thank you. And why don't we start on this side with David; and would you kindly state your name and address for the record.

FRANKEL: You have our written testimony. My name is David Frankel. I'm here on behalf of the Native Hawaiian Legal Corporation representing Kalana Blakemore. My address is on the little slip of paper as well as on our testimony. We're here today to ask the Planning Commission require a total of 50 public parking places that provide convenient access to the beach, as well as to ask you to prohibit the hotel from using the pass system. Kaunaoa Beach has been widely recognized as one of the very best beaches in the world. It's a public beach. It is not owned by the Mauna Kea Beach Hotel or whatever name they're going by today. Nevertheless hotel furniture as well as guests occupy the vast majority of the beach, to the exclusion of native Hawaiians and other residents. Residents desiring to visit the beach are routinely turned away at the gate to the resort after 9 a.m. because the beach parking lot is full. There's no question that more each parking is needed. Native Hawaiians and other members of the public are also turned away even when the beach parking spaces are not full.

For years the Mauna Kea Beach Resort has impeded Ms. Blakemore's access to the beach, citing a variety of excuses. They've said parking passes haven't been printed yet; sharks from a beached whale from a couple of weeks ago closed the beach even when Hapuna was opened. Only the first 30 cars per day are allowed down there.

This year Ms. Blakemore documented other specific instances where access was wrongly impeded. On March 21st, I said this year, I mean last year, and it's 2007. We just started the new year, haven't we? March 21st she was told there was no public parking spaces but when she drove down she noticed two. April 6th she was told there were no public spaces available and they couldn't drive down at all, in direct contradiction of the easement that the public has down there. On July 28th she was told there was no public beach parking when in fact there were two spaces available. I need to point out to you this July 28th occurrence took place after staff members of the Planning Department talked to the Mauna Kea officials about problems the public was having with security guards not letting people down there. On September 22nd a security guard told her there were no parking spaces when in fact there were four open public parking spaces.

It is not sufficient for them to come to you and make these promises and telling you that oh, yeah, it's a problem we deal with. Why is it that a native Hawaiian is continually facing these kinds of falsehoods? And it shouldn't be up to members of the public or a member of the Planning Commission to have to call to complain about something. This needs to be done 100 percent properly. And this is done in a way that impedes the public in a systematic manner. Now in spite of what Chris has told you, there is no official approval in the Planning Department's files of this parking system that they have in place. It may make some sense to have a beach pass system; but pass out those beach passes down below at the parking lot, not up above at the highway where those guys up there have no idea how many parking spaces are down below, when no one can verify whether there are spaces or not. Have them pass out those beach pass parking passes down below at the parking lot. That way we don't get the kind of abuse that we've been seeing. And it's my understanding, talking to Ms. Blakemore and others, that actually the security folks that work below are far nicer and far more competent than the ones that are up on the highway.

If you look through the records of the Planning Department you'll see that the resort has no legal authority to use this parking pass system; and it is entirely inconsistent with the law when it's used in a way to block people from access.

We have asked for a couple of conditions. No. 1 that the additional parking spaces be made to 20, 20 additional ones, to make a total of 50. The language that Mr. Yuen has provided to you is pretty good. But I want to point out, there are three problems with it. No. 1 we think it should be 20 additional spaces, not 10. Secondly by leaving it wide open in terms of where the parking should be we think there is room for abuse, given the kind of abuse that the members of the public have faced. And I'm not just telling you about the testimony I'm presenting to you today. If you look through the files of the Planning Department, you'll find complaint, after complaint, after complaint in there of people who have been denied access and how Mauna Kea Beach Hotel has manipulated the system. So I think the language that Mr. Yuen has provided needs to be tightened up. The parking should be provided either where it is now or on the north side where the other hotel guest parking is near where there's an access. In other words so members of the public don't have to walk miles to get to the beach; the parking needs to be convenient.

The other change that needs to be happening is there really needs to be a timeframe in there. We've seen developers throughout the State fail to abide by conditions arguing that, well, there's no time limit. Oh, yeah, we need to provide parking but it doesn't say when. So, for example, on Oahu people don't have access to Kawela Bay yet 20 years after a permit was provided

because there was no time limits. At Ko Olina west beaches when those lagoons were built, the developer excluded the public from lateral access for about 9, 10 years because there was no date put in the condition. Hale O Lono Harbor on Molokai, when access provisions were required, it was decades until the access was provided. And I believe Chris was on the Board of Land and Natural Resources when that issue raised its head once again. So this condition needs to have a timeframe.

Finally, the final condition is we would like specific language as we've put it at the very end of our testimony, "The applicant shall not use a beach pass system at the security gate near the highway to restrict public access to the beach." It can or it should, it shall implement a system that assures the resort guests don't use that parking and that the beach parking is available to native Hawaiians exercising traditional customary rights as well as other members of the public. Thank you.

WATANABE: Do we have any questions for Mr. Frankel? Seeing none, thank you.

FRANKEL: Thank you.

GAUTHIER: Gregory Gauthier. They are silent like Perrier. It's fate that brought me here because I had no idea what the young men -.

WATANABE: Address.

GAUTHIER: Oh, Gregory Gauthier, 64-5303B, as in boy, Puanuanu Place, Kamuela, Hawaii 96743. It's fate that brought me here because I had no idea it was going to talk about the shark and the beached whale because I'm a bartender for Mauna Kea and I'm currently elected to be their union rep. But if I ever not get elected, I've got to go back, bar tend on the beach at Mauna Kea. I mean it's terrible, I know, it's hard being me. It's a beautiful resort. But I was bartending the day the sharks attacked the beached whale, and that made the newspaper; and there were so many people buying frozen drinks, it was beautiful. No one was in the water, it was a sea of orange towels and not one person in the water. And so I can attest that it was a liability concern and we would have loved to have people in the water too.

Secondly, as a bartender down there, I'm very, I know about the parking situation because it's no secret, I'm going to let you in on it, locals tip better. They do, so the more parking spaces for locals the more money I make as a bartender. So we're very open to have that many people and we hear the complaints. So the parking in any good negotiation you have 30 parking spaces now. This young man was asking for 50. The hotel is willing to do 40. To me that's a win-win, you're already there.

Secondly, I've got to take offense, small kind, to the competency of the security at the top. A lot of them are good friends of mine. They're not even union members and a lot of them are native Hawaiians. And I take offense to them not being competent because it takes up a lot of aloha to monitor that parking situation. So I think that takes a little bit away from Ms. Blakemore's credibility on that issue. So I take offense to that.

And lastly, a lot of what she had said was hearsay. And Mr. Graham did supplement with a first-hand story, which certainly gives a lot of credibility. But that's how I know Mauna Kea Beach

Resort to be. And when there's a complaint, they take care of it right away. And I have seen that first hand. I've seen guest waived, I've seen their parking spots full. And I really hope that you'll allow this to happen cause the last issue is as the Mauna Kea Resort goes so does Kohala and so does Hamakua. And we really do have to compete with that upper niche because as you see we want to get towards those people that are more recession proof. And that is the most beautiful beach, the most beautiful hotel that supplied many, many people with middle class incomes; and we'd like to see that maintained. And we'd like to be able to compete with those great hotels down the coast like Four Seasons and the newer golf courses. So that's all I respectfully offer you.

WATANABE: Thank you. Do we have any questions for Greg? No? Thank you.

GAUTHIER: Thank you.

WATANABE: Name and address, please.

GOROSPE: Elmer Gorospe. I reside at 2111 Kaumana Drive, Hilo, Hawaii 96720. And I'm going to be speaking in behalf of the ILWU. Good afternoon, Commissioners. The ILWU Local 142 supports the applications for SMA and Use permits by Mauna Kea Beach Hotel Corp. to allow for the demolition and reconstruction of the Mauna Kea Beach golf course, clubhouse, and related improvements.

The ILWU represents the workers of Mauna Kea Beach Hotel who have been laid off for more than a year since the October 2006 earthquake forced closure of the hotel. While these workers have had to find new jobs they would all like to return to employment with Mauna Kea Beach Hotel and have been anxiously awaiting for reconstruction. The application for SMA and Use Permit is one step toward hastening the reopening of the hotel. Since reconstruction will use existing footprints of the clubhouse, there should be no reason for any objection. Reopening of the Mauna Kea Beach Hotel will be a huge boost to the economy of the Big Island and will help to generate revenues of the County and State.

The ILWU strongly urges the Planning Commission to approve the applications. Thank you for the opportunity to share our views with this matter. Thank you.

WATANABE: Thank you. Fellow Commissioners, any questions? Thank you. All right, I do have a late signer, Gail. Would you raise your right hand, please.

BYRNE: Yeah.

WATANABE: Do you swear or affirm to tell the truth now before the Planning Commission?

BYRNE: I do.

WATANABE: Could you state your name and address for the record.

BYRNE: Yeah, my name's Gail Byrne, 68-3551 Awamoa Place, Waikoloa 96738. I'm actually here to testify on another item, Kohala LLC that follows. But since I was here I

thought I'd just share a couple of experiences I've had about Mauna Kea. And first of all I'm really glad to hear that some of the folks that work down there would support more local use. So maybe another 10 stalls would be good. Because my own experience is somewhat similar to Bill's but maybe not with a happy outcome. I mean it has only gotten worse since my daughter was, let's see my daughter is 8 years old and we go down to the beach probably 5 out of 7 days just to maintain sanity and enjoy the scenery down there. And we've almost stopped going to the Mauna Kea and Maunae area because it's so difficult to get a pass. We're often told that they're not available. Maunae is impossible anymore, just forget that. And on several occasions my daughter had her heart set on going to, you know how three-year olds to four-year olds get their heart on one particular beach, doesn't matter that Hapuna is just as good. And so we'd circle back around after we were denied a pass, and I said, well, you know, we're going to go down for lunch. So we go down and buy some French fries and ice tea, and there would be spaces. So the pass system is broken and I suppose there are certain efficiencies about it. And my experience with the guards are that they're really nice, but I think they feel that they're just doing their job. And I don't know if it's lack of communication with the lack of spaces down before or message from higher up. But they're, certainly a sense from those of us that live close by that we're, you know, feeling discouragement from using the beaches there. So, you know, I hope that can be fixed. And then also I don't think there's another resort on the Kohala coast that has a pass system, the Four Seasons Kona, but I know Waikoloa doesn't, Mauna Lani doesn't. So I really wonder if there's a need for that. It certainly sends a message that you're not welcome. So you're sitting there waiting for a pass and all these tourists keep going by. They can get right in, no problem. You may wait, wait, wait if you're even lucky to get in and get a pass. So I think just from a public relations standpoint it might be something that could be reconsidered by the hotel; and it sounds like they may be open to that. So that's all really good.

You know, the last thing I just wanted to offer is the vicinity. I concur I think with Mr. Frankel's testimony that it would be great to condition that to, tightened to where that, those extra spaces should be. Cause there are situations where I, I don't whether it's intentional or not but like the Mauna Lani's public accesses they're so far away, and now they won't let you park anywhere near their employee parking lot. We don't go there any more because it's such a long walk; and I think it's, you know, some people are able to make that journey and I'm glad for them. And I don't think you have to be overly accommodating to everyone but I think sometimes the parking, well, I strongly believe public parking is placed a great distance away from places people like to be to discourage that type of access. And even if it's not intentional, it does send that message. So thanks for letting me add my two cents. I think there's a real opportunity here to kind of change the system and make it work better for everyone. So thank you.

WATANABE: Mr. Rho.

RHO: Can you elaborate on the wait period, waiting for the pass?

BYRNE: I think the most, all right, with a little girl in the back seat, the most we've ever -

RHO: Well, maybe you can just explain, you drive up, and then what happens?

BYRNE: The most we've ever waited is 45 minutes, cause you're starting to get hot and, you know, you won't get in. But sometimes we've circled around down to Kawaihae, get

an ice cream, come back, but forget it. And the thing with Maumae, which is a whole separate issue, they just quit for a whole bunch of reasons.

RHO: Are you waiting for 45 minutes, or 15 minutes, or 20 minutes?

BYRNE: You can wait hours. I mean as far as I -.

RHO: No, no, but you're waiting for a space to be freed up?

BYRNE: Oh, yeah.

RHO: Is that what they tell you?

BYRNE: Yeah, yeah. They say wait over here.

RHO: So it's now full so you'll be in line for the next available space.

BYRNE: That's what I used to do before I started saying we're going down for lunch, yeah, and realizing there are spaces down there.

RHO: Thank you.

WATANABE: Any further questions? Thank you.

BYRNE: Yeah, thank you guys.

WATANABE: Well, will the applicant's representatives please come back up. This would be your, I guess, opportunity to give further comment on the testimony.

MAPES: Okay, I would like to address a couple of the issues that came up. It was said by Mr. Frankel I believe that he wanted to make sure resort guests don't use the public parking. The public parking is marked as public parking and only for beach use, so residents or hotel guests know that they are to use the hotel parking.

As to the timing of the improvements, fortunately in the staff report there is a condition that is included that addresses plan approval. And that is when the details come in as to the building and all the ancillary facilities. And at that time the applicant would be submitting the location of the parking. So that, you know, that timeframe is a short timeframe because the applicant is eager to get the golf clubhouse back in operation again because of the disruption, and getting the staff back to work, and having a facility for the resort. So that's the second thing with the time.

Now we have looked at different alternatives of the location of the parking and we will continue to do that. That as you know was a condition that was proposed by the Planning Director and we concur, although we do need to have a little time to see what the considerations are. Now one of the considerations for the golf clubhouse is that this is a replacement golf clubhouse and the situation there is already very tight. And we have to be cognizant of the potentially adverse impacts, environmental impacts. And if we can consider an area that is already paved, we will not be adding any other impacts. So those are some of the things we want to take into

consideration and make sure that we don't inadvertently add anything that would be adverse. But we appreciate the opportunity to look further at the location of these ten spots. Thank you.

WATANABE: Thank you. Do we have any further questions for the applicant?

RHO: I just wanted to make sure that you're just talking, when you say looking for the appropriate place to place the parking, you're only talking about those specific 10 spots that are in addition to the thirty?

MAPES: That's correct, yes.

RHO: The 30 spots will actually stay where the blue marks are?

MAPES: Yes. They are intended to be where they are placed now.

WATANABE: Any further questions? Mr. Domingo.

DOMINGO: Just a comment. I just hope that the hotel will clean up their act with regards to the passes and availability of parking stalls and communication between those at the parking lot and those at the entry to the hotel. You know, I think there is some mix up or non-communication here. I think the effort should be increased.

ING: If I may respond, Commissioner Domingo. The hotel does take that responsibility very seriously. I think as has been pointed out previously, the people that service the entry station are independent contractors, not employees of the hotel. So it's a little more difficult for the hotel to directly manage those employees. However, the hotel is aware of these complaints and is in the process of looking at a different system to control the parking. Now one of the difficulties with the parking passes is that these white passes that are put in the windshield identify those members of the public. So if we don't have a way of identifying those members of the public, then residents from the area could park in the beach access parking stalls and we wouldn't know the difference between that car and say a car from the public. So in order to make sure that the cars occupying the beach stalls are members of the public, that's what the pass system helps to do. In addition, the hotel guest themselves also have to have a pass in a car to identify that they are hotel guests. They are also not allowed to park in the beach access parking stalls because they have a different color kind of a windshield pass, if you will. It's not a perfect system. The hotel is aware of it. The hotel is looking at moving the control point as has been suggested by one of the public witnesses to a point closer to where it is and that is being done in the process of this whole renovation. So we are working on it. Thank you very much.

WATANABE: Thank you. Any further questions? Well, seeing none, you may be seated. Thank you. Do we need further discussion or is anyone prepared to make a motion?

WOODWARD: Mr. Chairman?

WATANABE: Mr. Woodward.

WOODWARD: I would move that in the matter of Special Management Area Use Permit SMA 07-000023 and Use Permit 07-000010 that we approve these permits.

WATANABE: With the revised conditions?

WOODWARD: With revised Condition 3 requiring an additional 10 parking spaces for a total of 40.

WATANABE: Thank you.

DOMINGO: Second.

WATANABE: Also with the revised name, yeah, Mauna Kea Resort LLC?

WOODWARD: Correct.

WATANABE: Thank you. Mr. Domingo, you second that?

DOMINGO: Yes.

WATANABE: Yes, thank you. It's moved and seconded. So do we need some discussion on this? Mr. Graham.

GRAHAM: I just want to correct, I think the official name was Mauna Kea Resort LLC.

WATANABE: All right. Oh, I thought that's what I said.

GRAHAM: Maybe you did. I thought I heard it differently but anyway -.

WATANABE: Oh, I'm sorry.

GRAHAM: We're in agreement.

WATANABE: Oh, okay, okay. Okay, great. So is there any further discussion that needs to occur? Mr. Hayashi.

HAYASHI: Thank you, Mr. Chair. Commissioner Woodward?

WOODWARD: Aye.

HAYASHI: Commissioner Domingo?

DOMINGO: Aye.

HAYASHI: Commissioner Graham

GRAHAM: Aye.

HAYASHI: Commissioner Ogata?

OGATA: Aye.

HAYASHI: Commissioner Rho?

RHO: Aye.

HAYASHI: Chair Watanabe?

WATANABE: Aye.

HAYASHI: Mr. Chair, motion carries six zero.

WATANABE: Thank you. So you all will be informed in writing. Thank you.

The discussion ended at 4:25 p.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary

A T T E S T:

Noriko Sauer, West Hawai'i Secretary