

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JUNE 9, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keone Ball at approximately 9:04 a.m., Tuesday, June 9, 2015, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Ball: Morning everyone. Let's call this meeting to order. If you'd like to testify today, we do have a sign-in sheet over there, and we do have the sign-in sheet that everyone has signed in already on.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

Chair Ball: Okay, we usually start out with public testimony and if you would like to speak you have three minutes to do so. You may testify now or you may testify when the agenda item comes up, but you may not do both. So let's start. C, New Business, Walgreen's application, Director?

Mr. Spence: Good morning, Commissioners, Item C-1, see how fast we're moving. C-1 on your agenda. Mr. Lawrence Adler of Walgreen of Maui, Inc., requesting comments on the Draft Environmental Assessment.

Chair Ball: Hold on one second Director. We do take public testimony. If anybody would like to testify they may come up. I was assuming that people were gonna wait, but...you're on the list here Mike also, so...

The following individuals testified at the beginning of the meeting:

Mike Moran	- Item C-2, Victory Development, Nani Loa Condo Hotel Project, Draft EA
Patricia Stillwell	- Item C-2, Victory Development, Nani Loa Condo Hotel Project, Draft EA
Daniel Kanahale	- Item C-1, Walgreen of Maui, Draft EA; and Item C-2, Victory Development, Nani Loa Condo Hotel Project, Draft EA

Their testimony can be found under the item(s) they testified on.

Chair Ball: Thank you. If anyone else would like to testify at this time they may do so. If not, then we will close public testimony and you may testify when the agenda item comes up. Okay, now we'll go into New Business. Item 1, Director?

Mr. Spence: Thank you, Mr. Chairman. Number 1, Mr. Lawrence Adler of Walgreen of Maui Inc., requesting comments on a Draft Environmental Assessment. Our Staff Planner this morning is Ms. Ann Cua.

C. NEW BUSINESS

- 1. MR. LAWRENCE ADLER of WALGREEN OF MAUI INC. requesting comments on the Draft Environmental Assessment prepared in support of the land use entitlements for the Walgreen's Kihei Store, a 14,550 sf building and related improvements located at the southeast corner of South Kihei Road and Nohokai Street, TMK: 3-9-007: 037 to 040 and 3-9-008: 016, Kihei, Island of Maui. (EA 2015/0005) (CIZ 2015/0003) (SM1 2015/0005) (A. Cua for C. Thackerson)**

The EA trigger is anticipated work within the South Kihei Road and Nohokai Street rights-of-way. The Commission is the accepting authority of the Final EA.

The applicant has also applied for a Change in Zoning and Special Management Area Use Permit. The public hearing on these applications will be scheduled after the Chapter 343, HRS process has been completed.

Ms. Ann Cua: Good morning, Mr. Chair--

Chair Ball: Good morning.

Ms. Cua: --and Members of the Commission. The matter before you today as the Director mentioned is a Draft Environmental Assessment for the Walgreens project in Kihei. The project was...the project booklet was passed out to you at your previous meeting, your May 26th meeting. Right now, the project is in the comment period. The Draft Environmental Assessment was submitted to the Office of Environmental Quality Control on May 13th, and at that time, we also transmitted the application to seven State agencies, seven County agencies as well as Maui Electric and Hawaiian Tel. The 30-day comment period deadline is June 15. So right now we're in the comment period and we're before you basically today, this is the first time this project is before you to get comments on their Draft Environmental Assessment.

If you recall from your training, this is the first part to what could be a...what probably is gonna be a three or more step process. So the Draft EA is before you now, you'll give comments. Everybody else is giving comments, the neighbors are giving comments, agencies are giving comments. The applicant is required to take all of those comments and address each and every comment and compile that in a Final Environmental Assessment. That Final Environmental Assessment document will come before at a future meeting. You'll take a look at that and if you pass that on, then the Change in Zoning and SMA permit applications will come before you for a public hearing.

This project is made up of five parcels. All five parcels are designated for business use in the Kihei-Makena Community Plan. And again, if you recall from your training, the Kihei-Makena Community Plan is the long-term plan for the area and indicates what the land use pattern should be. So again, for these five parcels that you're gonna hear about today, the community plan designates it for business use.

And then there's zoning. Out of five of the parcels, one of the parcels, the largest parcel which you will see is already zoned for B-2 Business use. Four of the parcels are zoned for R-3, Residential use. So the applicant needs to obtain a change in zoning for those four parcels to match the fifth parcel. So they need to get business designation for all of the properties. And once they do that, they also need a Special Management Area Permit because they're in the SMA area. They need a Special Management Area Permit for the entire parcel.

So this Draft Environmental Assessment the reason why this is before you is because they're doing improvements to the roadway, to the County roadway. And that is a trigger for compliance with Chapter 343 and they needed to prepare an Environmental Assessment. So that's why they're before you today.

So, we'll...I'll call the applicant up now and they'll take you through the project and then what I'll do at some point is get your comments and we'll put a letter together and that will be your comment letter that goes in the Final EA that the applicant will have to address. So with that, I'd like to introduce Mr. Tom Schnell from PBR, and he will take you through the project.

Mr. Tom Schnell: Hi, good morning Commission Members.

Chair Ball: Good morning.

Mr. Schnell: Thank you for having us here and having us...allow us to explain the Draft EA and also the project, the proposed new Kihei store, the Walgreen's Store in Kihei. Go to the next slide.

So with me today is representatives from Walgreen's. That would be Lawrence Adler and Rock Tang. Also, we have our project architect here that will walk you through some of the design issues that's Jeff Benner. I'm Tom Schnell. I'm with PBR Hawaii. PBR Hawaii is a Hawaii-based planning firm. We also do landscape architecture and we've prepared the Environmental Assessment and the change in zone and SMA applications. Our project engineer is Darren Unemori and he's here to answer questions especially about drainage and site design. And then we have a traffic engineer that did a Traffic Impact Analysis Study for this project and that's Phillip Rowell.

So I just wanted to tell you basically an outline of where we're going with this presentation. We'll talk about Walgreen's on Maui in general. I'll narrow down to the Kihei location for Walgreen's. We'll talk about site and architecture design. I'll have an overview of what's in the Draft EA and it's a brief overview, and then conclusions and next steps.

So Walgreen's Maui, I don't know if you know that you're probably are familiar there are three stores on Maui. One is in Lahaina, one is a new store in Maui Lani, another one is in Kahului. The Kihei's location would be the fourth store. Walgreen's also operates two specialty pharmacies. One is in Wailuku. They're a pretty large employer on Maui. They have 113-Maui employees. In Hawaii, in total there's 725 Walgreen's employees.

Some of the local vendors and I narrowed this list down to just Maui vendors we work with. Kula Produce, Maui Coffee Company, Maui Wowee candy bars, Maui Jelly Factory, Maui Island Secrets,

that's sun care products, Cook Kwee's Maui cookies, and Kihei Ice. There's many others. I wanted to leave this list to local Maui vendors rather than larger Hawaii vendors.

Walgreen's is a very active member of the community and involved with many organizations and most of the organizations that they support are related to health care kind of organizations because they are in the health care business. And these are some of the organizations that they've supported recently either through fundraising or providing volunteers and they also sponsor a Kihei Little League Team, the Kihei Padres.

We'll talk a little bit about where we're at on the project. This is South Kihei Road and these are the parcels right here. This is the parcel that Ann was talking about that's already zoned for business. There are four parcels here that are zoned Commercial...Kihei Center is...I'm sorry, Residential. This is business. These are residential. Long's is across the street here. McDonald's is right next door. The whole property is about two acres and there's five parcels.

Here's some pictures of the site. This is the project or the property right here. Currently a craft fair operation operates on the site. You can see McDonald's entrance is right here. This is South Kihei Road. This is the corner of Nohokai Street and South Kihei Road and a majority of the parcels, the parcels that are actually zoned Residential right now are used as a parking lot and the craft fair operation is over here. This is another view of the parking lot area. This is from Nohokai Street. This is a typical vendor or stall that's in the craft fair operation. And this is a view of our direct neighbor, our residential neighbor right on this side, so the makai side to the west.

We're in State Land Use Urban District as is most of Kihei south of Piilani Highway. As Ann was mentioning on the Kihei Community Plan the properties are designated business as are the properties across the street and actually the properties across Nohokai Street there's a couple parcels that are also designated business. Again, the zoning here this is B-2. It was changed in zoning maybe in 80's, late 80's, early 90's. These parcels remained residential. So actually changing these to business use would actually implement the Kihei Community Plan. We're in the Special Management Area, again as most stuff is below Piilani Highway.

Major approvals are needed. I listed Environmental Assessment, but actually technically Environmental Assessment is not an approval, but we're at the Environmental Assessment stage right now. After we come back, after we complete our Environmental Assessment, we need a Special Management Area Use Permit, Change in Zoning and a special Flood Hazard Area Development Permit which Darren Unemori can elaborate on.

I'm gonna bring up project architect, Jeff Benner to talk about architectural design.

Mr. Jeff Benner: Good morning, Commissioners. My name is Jeff Benner. I'm with the firm of Benner Stange Associate Architects. What I'd like to do is to kinda continue on where Tom left off. The site is located at the southwest corner of Nohokai Street and South Kihei Road. That being in this area here. We've laid out the site which we feel is the best in terms of providing overall circulation and access to the site and to the Walgreen's store itself. Along South Kihei Road we've proposed to increase the right-of-way width by 12 feet. What this allows us to do is provide left-turn movements into the site and conversely, it provides left-turn movements into the center across the

street as well. We've treated it in terms of designing it as a green street. So we have along our boundary storm planters which will be nicely landscaped. They're somewhat dug into the ground which allows storm water collection. We have a permeable meandering concrete sidewalk. We've provided for a bike lane, and we've also got landscaped areas consistent with what is needed to meet the local county codes with respect to landscaping.

Along Nohokai Street, we've done a similar treatment with respect to the green street approach, sidewalks, storm water planters, et cetera. What we have in this scheme here, we've increased the width which allows for a left-turn movement from Nohokai headed northbound on South Kihei Road as well as a right-turn lane allowing traffic who may be backed up and which does exist today to have a free access heading south bound on South Kihei Road. We also have at this point here there's the left-turn movement there, but we have a left-turn movement coming into the site along the westerly edge and we proposed a right-in, right-out onto Nohokai Street and the reason for that right-in, right-out is we've taken into account the concerns of some of the neighbors with respect to additional traffic. So we're limiting traffic from being able to turn left and moving into Nohokai Street headed makai into their neighborhood.

The site again is about a two-acre site. We've positioned the store more kinda centrally located here in the middle. What this allowed us to do is taking once again, into consideration the concerns of the neighbors, we're bringing the larger vehicles, the truck vehicles into the site strictly from South Kihei Road. We've designed it such that they're not able to maneuver from Nohokai and into the site. So the container trucks which usually is one per week that being the larger of the trucks as well as the smaller loading, you know, delivery type vehicles will all access the site from South Kihei Road, head to the north and then this is where we have the loading area back in here. And then eventually as the trucks are unloaded which I understand them not to be there for any great length at any given time, they will exit back out and back onto South Kihei Road. The loading area itself, we have recyclables back there. We do have refuse back there. But those areas are well concealed. They're screened. And from a visual standpoint it doesn't, you know, cause any concerns in terms of a, you know, a nuisance or anything like that. They're well-detailed, well-concealed. We do have a drive-thru pharmacy located along the west side. We positioned all of our parking fields to the south and to the east, once again pulling those vehicles away from the neighborhood. We have access points for pedestrians from the intersection of Nohokai, South Kihei Road guiding into the sidewalk system here as well as from the South Kihei and McDonalds entrance to the south. With respect to our access points, I do wanna point out that not only do we have a key access here, that's a full access intersection here, but we also have access that we're providing through the McDonald's parking lot and then out to South Kihei Road that will help reduce some of the traffic concerns that have been voiced.

The site currently drains kinda...(inaudible)... through the site and then I believe out here and then makai towards the ocean. What we've done here is the building itself is 14,550 square feet, we basically are leaving the pattern of the drainage consistent with that exists today. Of course, it has to divert around the building, and then we've created a retention pond back in here so that will be a grassy retention area and the volumes of water that might be displaced by the building have been adequately picked up in the storm retention basin at the southwest corner.

The building itself has been raised two feet approximately it's a foot and a half to two feet getting

us above the existing 100-year flood plain at elevation 7. So we have a little more of kind of a complicated way of getting people up and into the building. You can see that as addressed by ramping systems here, stairs here and some stairs up here. And that, there again, that elevation change is a foot and a half to two feet.

We proposed what we feel is significant landscaping and we did have our UDRB meeting last week. We will be revising some of the plant materials. But some of the concerns that were voiced along here we propose to have a screen fence. It will be an opaque in nature. And then of course, dense landscaping along this westerly property line here and of course, ultimately we'll have nice landscaping of trees, palms...trees being shade trees, palms, hedges, ground covers, et cetera, along Nohokai and South Kihei Road.

The building design is actually in terms of scale probably less than what you typically see. We've done some other projects here in the islands, and this island particularly. This is probably lowest scale building. We have an entry feature here, and once again, this entry is focused around the ingress from the...into the site from South Kihei Road so it's at the southeast corner. This is our largest element. The height here is 35 feet. We've got some articulated metal roofing forms above the entry, some articulated elements in here, structural types of elements. This actually projects out away from the building. It's gonna be cement and plaster in nature or synthetic plaster nature. The entrance is here. We've got metal awnings. This happens to be the only area which we're now proposing to have what we'll call the blue color, and I'll get to that in just a second.

As we move along the elevation here along South Kihei Road there's more glass along the...towards the front of the store, metal awnings. We are using split face cement block in conjunction with the plaster elements. We have fascias and copings up above to break up this, you know, the CMU or split face CMU. We have pilasters in here which project away from the buildings, begins to add articulation or pop along that building elevation. We have similar treatment here except in this case, this is the piece that you see as you drive into the site so it's a little more articulated. It's got some banding, some different colors, motifs.

And as we move along South Kihei Road again to the north, again, there's...let's just call 'em smaller vignette like elements, along with the pilasters which project from the building motifs and then we get to the very northeast corner of the building and once again, this projects from the building. It's got a, a blue color which we're actually gonna change to more of an earth tone color. There's metal awnings back in here providing cover as you come up these steps and along the building to the entry. At special locations we do have the stone veneer at the base, so particularly you'll see that at each one of these pilasters and then color variations along the entire base of the building where we have the split face block.

This is the drive thru pharmacy side so this is the west facing side. We've consistently kept the building height down. This is 22 feet here. These elements here are 24 feet and again, that's the tallest piece at 35. To accommodate the drive thru pharmacy we had to elevate the drive thru lane so that's what this represents here. We actually come from the existing grades up to the pharmacy window and back down. We've created character along here with the different materials again being the split face or the smooth face banding, stucco like materials here, the block materials in here, and again, pilasters here and it offers quite a bit of variation as we move from north to south

along the west wall.

This is the entry side just looking towards McDonalds. And once again, there's that entry form here, more glass and metal awnings, consistent materials here and colors. This is the north side, so this would be where the loading is and we've got this element here at the northeast corner and that kind of brings the design element to the building as you enter or as you're heading south on South Kihei Road you see this element here, different forms, pilasters and materials. And then we have the receiving area and it is elevated. You can see here, we've got color variations, pilasters, the stone. These...this is the recyclables and the trash enclosure here and it is concealed, it's well-detailed. We add color to it. The gates are locked. So it's a very secure element back there. And as I had mentioned earlier, there is typically one container truck per week that comes to the site.

Here's some different views of the building and the site. This is looking to the northwest, so this is the entry element. You can see the articulation, the colors, the forms and shapes. This is coming southbound on South Kihei Road. So as you enter this is the element that you see along this visual here and this is looking to the southwest. This is looking from the McDonalds parking lot up towards Nohokai Street here. You can see the drive thru pharmacy here. And lastly, this is the north elevation as seen from Nohokai. What this does not reflect is the intensity of the landscape that is proposed or that we will propose to place on the site.

What we haven't yet discussed is site lighting and that's something that we're in the process of working on. We're gonna be very sensitive to the adjoining neighbors being along here and of course along Nohokai Street. We propose to use LED fixtures. The actual height of the poles themselves we're studying right now. Generally speaking out in here it would be more on that 20-foot height range. But along here, and here, they'll be reduced in terms of the height and we hope to have further design studies and photometrics here shortly. Having said that I'll turn it back over to Tom.

Mr. Schnell: So I wanted to provide a brief overview of the EA and especially some of the specialty studies, consultant studies that we prepared in the EA. The EA process, I think Ann explained the process, but let me just mention that we...we started with the preconsultation process and that was in July of 2014. We sent out letters to agencies and we also contacted the Kihei Community Association to ask about comments and things that they would like to see addressed in the EA or design.

We prepared the Draft EA and we've actually been preparing it for quite a while since, you know, I would say even before September and we submitted it to the Maui Planning Department at the end of March. Right now we're in the Draft EA public comment period. We started on May 13th, it goes through I think, I believe it's June 22nd, Ann? Yeah. That's the OEQC deadline, maybe not the Planning Department's internal deadline.

Today, we're with you at the Planning Commission to receive your comments on the Draft EA. After we receive your comments and comments from the community, we will respond to all of those comments in writing and we will address them in a point by point fashion. We'll prepare a Final EA. The Final EA will come back to the Maui Planning Commission and it will be your opportunity to review the Final EA and make sure that we've covered all the bases.

Technical studies that we prepared for the EA. There was a Flora and Fauna Survey prepared. An Archaeological Assessment, an Archaeological Monitoring Plans already been done. Cultural Impact Assessment, a Traffic Impact Analysis Report, Preliminary Engineering Report including drainage.

So briefly the Flora and Fauna Survey found no threatened or endangered or candidate wide wild life species plant or animal. Want to make an important point about wetlands 'cause I've heard a lot of talk about wetlands in Kihei and on this project in particular. There are no Corps of Engineers determined jurisdiction of wetlands on this property. There's specific criteria that the Corps requires for wetlands and that has to do with the type of plants...plant materials that would typically be found in a wetland. This project or this property doesn't exhibit any of these characteristics as determined by the Corps of what a wetland is. Now I'm not saying water doesn't pond here during flooding, I'm just saying that it's not considered a wetland per Corps of Engineer standards.

The Flora and Fauna Survey was conducted in 2014, so last summer, so it is fairly recent. Archaeological and cultural resources, a Archaeological Assessment was prepared several years ago from a previous landowner or actually the current landowner now, but he did it for previous years. We've gotten comments back from Historic Preservation already on the Archaeological Assessment. Actually Historic Preservation Division had approved the assessment and the monitoring plan several years, but they reiterated in comments I think a couple weeks ago or in May, no historic properties will be affected by the proposed project with the implementation of the accepted monitoring plan. So there will be an archaeological monitor on site. When there's any site work being done, if anything's found, construction would stop immediately and Historic Preservation Division would be contacted.

The Cultural Impact Assessment was done in the fall of last year, 2014. The conclusion was that there are no cultural resources on the site, and that the store would have no significant effects on cultural resources, beliefs or practices.

I'm gonna attempt to go through the Traffic Study. Phil Rowell is here to answer questions. But I wanted to provide it in a layman's term that was understandable to me. So let me briefly go through my understanding of the Traffic Study which I hope is in a easy to understand format also. The Traffic Study analyzed six intersections and these are the intersections in the vicinity of the property along South Kihei Road. So they're listed here and overall, existing conditions right now intersections operate at satisfactory levels in traffic engineering terms except for the left-turn lane at the McDonald's driveway during the afternoon peak hour.

These are the intersections studied and the property is right here. So there is Piikea Street. There's East Lipoa Street. Also streets to the north and Nohokai Street and this is the entrance to McDonalds along right here.

Okay, the part I'll try to summarize as succinctly as possible. Traffic volumes along South Kihei Road in the morning peak hour there's about 900 vehicles that traverse South Kihei Road in the morning and this is from 7:30 a.m. to 8:30 a.m. In the afternoon, there's about 1,250 vehicles that travel, this is in both directions on South Kihei Road. Walgreen's related traffic if it were built would generate about 43 trips in the morning peak hour, this is just from 7:30 to 8:30 and 61 trips in the

afternoon peak hour, okay. So what does that represent? It represents about .5 percent increase to a .3 percent increase depending on where you're at and what intersection. And the traffic concludes that with Walgreen's all study intersections will operate at an acceptable level of service except the left-turn lane at McDonald's driveway which already does not operate as an acceptable level of service in the p.m. peak.

For site design and engineering I'd like to bring up Darren Unemori. He can explain in detail the drainage situation.

Mr. Darren Unemori: Good morning, Mr. Chairman and Members of the Commission.

Chair Ball: Good morning.

Mr. Unemori: My name is Darren Unemori. I'm with Warren Unemori Engineering based here on the Maui and I'm the civil engineer for the project. So I wanted to touch on primarily two things. I wanted to give you a little more information about the particular roadway improvements that we're doing on the site. And I also wanted to go into depth to discuss drainage which is a major issue on this particular site.

So this first slide again just shows the existing site. It shows the four parcels, the four residential parcels and the one commercial parcel. And this is another view of the site plan that Jeff Benner went over, just illustrating a little bit better the roadway improvements and how they fit together. So he mentioned the turn lanes here on Nohokai and the median turn lane that we're adding along South Kihei Road in front of the project to allow the driveways to operate.

One of the requirements these days for a project being built is to comply with the County's Complete Streets Policy, and the Complete Streets Policy is basically a very good idea. We focused a lot on cars in the past, now we're starting to focus a little bit more on pedestrians and bikes. So the existing street along...the existing South Kihei Road right now is a simple two-lane roadway. It's got a ... it's a narrow paved shoulder that serves a bike lane, kinda rudimentary bike lane. Nohokai has a, really a simple two-lane paved street. And it has no sidewalk or curbing or paved shoulders there. So what we're doing on the roadway as well as widening it, we're also providing pedestrian facilities. So there'll be six-foot sidewalk along the frontage of the project. We're adding this crosswalk here. The nearest crosswalk is to the north, it's about 1,100 feet at East Waipuilani and to the south is about 700 feet. So there's a long distance between the crosswalk across South Kihei Road so this would be a new addition that helps improve the connectivity for the site.

So these are road sections showing South Kihei Road. Here's the gravel parking lot off the shoulder of the existing roadway. Two simple lanes, some paved shoulders for bikes to traverse. So we're gonna widen that, give the County a little more land, widen the pavement so that we can put in this...stripe this left-turn lane, and then we're gonna create a widened shoulder. So this shoulder, Jeff Benner had mentioned the green streets and the meandering sidewalk, so this is what it looks like in cross section. Basically the runoff from the pavement goes into this depressed area and this shoulder is permeable under here. We'll put drainage rock and be able to store water in there. Take the place of basically a storm...versus a conventional storm sewer system. The

sidewalk will run inside that nice planted area, and of course, there'll be trees and plants and other things. It should be a very pretty result and an environmentally sound one because now we're able to deal with storm water runoff from the pavement right where we generate it rather than sending it out to the ocean.

So let's move onto drainage. So this is a, for those of you who seen it before, this is a Flood Insurance Rate Map put out by the Federal Emergency Management Area, Management Agency, I'm sorry. And it shows the flood limits in blue coloring. And if you notice here, almost everything up here is blue because this, this particular site, this two-acre site sits inside the middle of the flood plain. FEMA has determined through hydraulic studies that the water surface elevation, in other words, whether flood waters end up when you encounter a 100-year flood is elevation 6. The site itself ranges between elevation 4 and 6. So as you can see it's a pretty significant amount of water on the site, up to two feet or so.

So this is a different perspective on that same map. This is an enlargement or sorry, we zoomed out from that map and this is the entire FEMA map for that South Kihei coastal area. And this is the picture that goes with the description that that gentleman gave you in testimony earlier on. So Walgreens is this little yellow smudge down here. This is the two-acre site. This is a composition...composite of two maps. The photo map below it is actually taken from FEMA's Flood Insurance Study maps and you can see the blue area here along the coastline indicating where the flood plain is. The red lines here are taken from Corps of Engineers drainage map. It was actually done...a study was actually done in 1977 in preparation for the County of Maui to enter the Federal Flood Insurance Program. And you can see the area that is directly above Walgreens between Waipuilani Gulch and Keokea Gulch which sends water into this coastal area is very large, 1,200 acres, almost two square miles. And here the coastal area is where the topography flattens out and the water tends to accumulate in this low lying area. This area here for scale is about maybe, the blue area is maybe about a third of mile and this is described by the Natural Resources Conservation Service as coastal plain which is I think aptly named. It's basically the flat lands at the bottom of the hill where the water will tend to accumulate once it reaches, once it reaches the flat area and that's essentially where the flooding comes from. So this is the external source of the flood waters that create this flooding down in this coastal area here.

So when we're talking about drainage and this particular site we have to kinda look at two aspects of the site. First of all, we wanna understand how we can negate the impact of developing the site in terms of the...how we deal with the internally generated water. And secondly, we wanna deal with the flooding issue. How do we deal with the externally generated water? So let's take these on one at a time.

This is a, this is a picture of what the site, a schematic picture of what the site looks like today and how the water flows. So we have that water coming from 1,200 acres up above the project site coming in along a low spot that exists along South Kihei Road on the northeast corner of the site. That tends to enter the site, floods the site, and continues on making it way towards the ocean. So this is the existing drainage pattern. You can see, the pavement from South Kihei Road contributes runoff, Nohokai Street contributes runoff and of course, that area up above the site contributes a lot of runoff. So this is what the site actually receives, and again, well...so I was telling you we kinda look at the drainage problem in two parts. The internal problem and the external problem.

So to deal with the internal problem which is basically how to negate the impact of development we basically do this. So we develop the site, the parking lot, we create a large storm water retention basin to hold all the water from...that runs off the pavement and we, of course, create those porous stone water planters along South Kihei Road to deal with the storm water as well. So all in all this site actually holds its own water. It has enough capacity there so if we take the County standard 50-year storm which is what we're required to comply with the regulations, we hold all the water we generate. But the other...that's the internal part. The external is a slightly different story. Because of the external source of runoff is so large, we are actually...we're effectively unable to solve the problem naturally. So what we're required to do by County rules when you develop in a flood area, hazard area is basically three things. The first is we have to elevate the floor of the building above...one foot above the base flood elevation of six feet. So that's how we arrive at this final floor elevation of seven feet, one foot above base flood elevation. So the building's elevated, what about the site? Well, the site, one of the criteria that the County requires and this is a requirement from FEMA is we don't do anything on site that will raise the flood water surface elevation and the way that's normally done on Maui County for small sites is that we do a net displacement. So whatever the building displaces, we dig a hole to offset that displacement so there's basically there's zero net displacement. And so in this particular case, the building goes in, we dig a large hole here, the net effect of the two is effectively zero. So there's no net displacement.

The other thing we're required to do, the third thing we're required to do is make sure because again, we're dealing with the flooding of a general area that we don't do anything to obstruct the existing drainage pattern and Jeff Benner had touched on this a little bit. So we grade the site to keep the parking lot low, basically where it is now. We do not fill in the surrounding area. We raise the building, but we do not fill the surrounding area. That basically stays very close to the existing grade so that water from offsite can continue to enter the site, pass through the site and exit the site in the manner its doing now. So that's the third thing that we're required to deal with the external sources of water. So that in a nutshell how we tackled the drainage problem on this site. Going to turn this back over to Tom.

Mr. Schnell: So just to wrap up and conclude. Just wanted to note that the Draft EA has been prepared in conformance, in compliance with all rules and regulations regarding the content requirements of an EA. The Draft EA process allows for public comments and that's why we're here. We welcome the Planning Commission's comments and questions at this time. And the Final EA will include all the written comments or all the comments and written responses.

I think it's important to note and maybe the Planning Commission knows this but just generally for the audience. The Final EA is not an approval of the project. It's a disclosure document that when we come back for the SMA and the change in zone, that this body and the Council can use in basing their decision and they can weigh the pros and cons that have been elaborated in the EA and the mitigation measures and decide if the project is worthwhile to move forward.

So next steps, we're gonna respond to the comments, we'll prepare the Final EA, we'll come back to the Planning Commission for review of the Final EA and hopefully acceptance. After the EA we'll be back at the Planning Commission for the SMA Use Permit review and Change in Zoning, and my understanding is that Planning Commission makes recommendations on the Change in Zoning

but does not approve that. The Change in Zoning would go to the Council. It's approved by the Council or decided upon by the Council. After the Council makes that decision, assuming that they did approve the Change in Zoning, we would be back at the Planning Commission for the final approval of the SMA. Is that correct? Okay.

So that's where we're at now. And I welcome your comments. Thank you for listening to our presentation.

Chair Ball: Okay, at this time, we'll take a five-minute break and then we'll go into public testimony.

A recess was called at 10:05 a.m., and the meeting was reconvened at 10:19 a.m.

Chair Ball: Okay, let's call this meeting back to order. We are on Item 1, C-1. We'll be opening up this for public testimony. Please identify yourself when you come forward and you have three minutes.

The following testimony was received at the beginning of the meeting:

Next Item I'd like to testify on is C-1. And I'd like to preface my remarks by saying that, you know we really need as planners a master drainage plan for South Maui 'cause otherwise we're working in the blind, right? There is no master drainage plan right now. I know Public Works is working on it, but we really do need one as soon as possible. And one of the reasons for that is that much of the coastal development in Kihei is in the wetlands. You know, historically you had the ocean and you had the sand dunes, and behind the sand dunes you had the wetlands. And in 1960's there were about 200 acres of wetlands left between St. Theresa's Church and North Kihei by Suda Store. And there's much less of it now because a lot of it has been developed on which is kind of insane if you ask me. Because we may think that we can develop it, but Mother Nature doesn't forget where the wetlands is. So when it rains like it did in January 2005, December 2010, and again, in January 2011 those all areas flood. And this particular project area, Walgreens I've seen it flood many, many times. Historically storm water runs through there. So you know, my concerns is what's gonna happen to that storm water when they build this project with all this impervious surfaces? Where is that storm water gonna be diverted to? Is it gonna be diverted to the adjacent neighborhoods to the north and to the west? And if so, how are they gonna mitigate that, how are they gonna mitigate that so these, these homes are not impacted. So that needs to be addressed in the EA much more fully.

And to say that there's no finding of significant impact for this project in my opinion is not only unbelievable but borderlines on ludicrous because you're building something that's out of scale for the neighborhood in which it's being built in and I'm sure all the residents behind me have lots to say about the potential impacts this project is gonna have on them so I don't need to go there. But the storm water, where is that storm water gonna be diverted to? And if it impacts some of these residents behind me, they're gonna have grounds for bringing legal action. And as the draft stands right now unchanged, I think they have grounds for an appeal if this is approved as is. So this Commission really needs to look hard at that EA and make sure that all the potential impacts are adequately addressed, traffic impacts, storm water drainage impacts. Thank you so much for your time.

Chair Ball: Thank you. Any questions for the testifier? Commissioner Lay?

Mr. Lay: I have a question for you. So even when you were saying about storms. It's not necessarily the storms that are in Kihei. Sometimes the storm's in Ulupalakua when the rain comes come down and floods in that area, right?

Mr. Kanahele: Yes, I've seen that happen.

Mr. Lay: Yeah, I've seen it also so I just wanna clarify that. It's not just the individual storms that hit the south side, it's up in the mountains too that effect down in that area.

Mr. Kanahele: You're absolutely right because what's mauka of Kihei is the drainage area, right? It goes down into Kihei. You have all these gulches that run down there. So it's just a natural drainage area for the southwest face of Haleakala. And we're talking about thousands and thousands of acres that come down to Kihei and have to find some place. Unfortunately, a lot of the water get shot gunned out into the ocean and it results in heavy sedimentation on the reef and affects our reef system. But a lot of it causes heavy damage to homes and fortunately we haven't had any loss of life yet, but you know, just one last comment, all of this is gonna be exasperated with the change in precipitation. You there are longer periods of drought and then you have heavier rain periods so you're gonna have flooding, and then you're gonna have sea level rise and that's all gonna exasperate flooding in the coastal area where this is being proposed as a project.

Mr. Lay: Thank you.

Mr. Kanahele: Thank you.

This concludes the testimony received at the beginning of the meeting.

Chair Ball: I'll just start going down the list here, and Mike Moran is the first one up.

Mr. Mike Moran: Back again. This is KCA testimony to Maui County Planning Commission re: Walgreens on today, June 9th. I ask the Commissioners to direct your attention to Walgreen's Draft Environmental Assessment, Appendix A, Page 1, and down to the last item on that page which names our, calling consulting party, Kihei Community Association, but our comment date is blank which should be December 10, 2014.

I have a distributed that document, a two-page letter and a completed Kihei smart growth score card composed after we reviewed the proposed project last December. While the time limit will not allow orally addressing all the data, I will read to you from Page 2 of the letter which was sent to the three gentlemen you heard from...for Walgreens and to Mrs. Cua here for the Department and this was on December 10th.

There are other properties in Kihei that fall into a similar mixed residential business zone. In prior cases we have allowed small scale businesses to develop and operate in these transitional zones. These include the Kihei Veterinary Clinic at 1476 South Kihei Road, Kihana Nursery at 1746 South Kihei Road, and Shaka Pizza, 1770 South Kihei Road. These businesses have residential scale

buildings and operate with light traffic during daylight business hours only. They are good neighbors to the adjacent residents. A project that was previously rejected because of the negative impacts to local residents was the proposed relocation of Kihei Ace Hardware onto South Kihei Road because of concerns of increased traffic and residential disturbance Ace remained in Azeka Mall.

The store that's proposed with a drive thru, loading dock, large scale trash and recycling and 24-hour operation which is what we were told last year and still believe might come to fruition, the other Walgreens are open 24 hours now, is destructive to an established residential neighborhood. The proposed Walgreens project is better suited for a larger commercially zoned site away from the residential neighborhoods. There are other Maui stores are good example of appropriate locations. There are many commercially zoned properties in Kihei that are appropriate for a store of this scale and type of operation which we would fully support. We are enclosing this scorecard for the proposed project. The score is 38 percent out of a possible 100 percent. The low score is due mainly to the site's location in a residential neighborhood and in a flood zone. This same project in a more commercial Kihei location would score much higher.

Ms. Takayama-Corden: Three minutes.

Mr. Moran: Okay, closing sentences. We have come to conclusion after careful consideration that the large store you propose would be destructive to a well-established residential neighborhood therefore, we oppose the zoning change. Mahalo.

Chair Ball: Thank you. Are there any questions for the testifier? Seeing none, thank you, Mike. Next up we have Gary Passon.

Mr. Gary Passon: Good morning.

Chair Ball: Good morning.

Mr. Passon: My name is Gary Passon and I'm a concerned citizen living in Kihei very near the proposed project. I'm here today saying that I'm strongly against this project for a number of reasons, the size, the light pollution, the noise, flooding issues, and the affect on the Central Kihei traffic in and around Azeka's which is much more challenging I think than has been reported today. But I'm really here mostly to express my greatest concern and that is the significant effect this will have on the nearby neighbors. I believe in my heart that zoning changes from residential lots to commercial lots should improve the neighborhood experience not diminish it.

Imagine living in a house with a 10-foot side yard setback next to a 15,000-foot box store surrounded by a highly well lit parking lot operating 24 hours a day. Customer traffic coming and going, trucks, trash pick up, employee noise, trash and packing piling up for all to see. Who would want to live next to that? I realize the EA says that there will be more limited hours, but that will not be an enforceable item, and even if it is, store employees, delivery trucks, trash pick up will not adhere to those limited hours.

For many neighbors the residential lots being considered in this proposal act as a buffer to any

commercial enterprise. Other proposed usages could be complimentary to this area if they were more transitory and more scaled to the residential neighborhood. Walgreen's project, proposed project in my estimation is not complimentary. This project is just too big and too disruptive to the neighborhood and I hope that we could find a better use for that particular piece of property. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Charlene Schulenburg?

Ms. Charlene Schulenburg: Hi there. Charlene Schulenburg. I'm concerned citizen who lives very, very close to the proposed site. Five lots, two acres, 15,000 feet, 24 feet high to 35 feet high, a score card rating of 38 out of 100 percent, traffic increase, noise, accumulation increase, trucks, wear and tear on the roads, any time day and night, fumes 24/7, a residential area being really hugely affected, an absolute no need for another drug store or pharmacy because it's right across the ...Longs is right across the street. A major flood plain right across the street and they ask of rezoning, what about this can you say does not have a significant impact in Kihei? And yet time and time again, I read their report and it says, oh store is not expected to have a significant increase in this. No significant increase when compared...they're talking about traffic here, no significant increase to traffic compared to...we're not comparing traffic here people. We're adding to traffic so that's a little disingenuous. You know, I appreciate studies like this and I appreciate responses like this, but it's like a debate, you can argue both sides of it. But sometimes it just comes down to right and wrong and the truth. And there's a lot of stuff in here that does not represent the truth especially for those people like Mr. Passon said, who live in the area and experience the traffic and experience this area, and it says there's no cultural impact.

I'll just talk about something overall, but you know you've got that lovely little craft fair that all the tourists really actually enjoy and the picture that they show is one little, tiny area with a whole bunch of tourists with smiling faces. What about Walgreen's is cultural to Maui? There's nothing about this that is cultural to Maui. I think that this is not a worthwhile project to go forward. I think we should scrap this and not make a recommendation to go forward, and let's allow a small business to go in there that's appropriate to Maui. I just think that they could go somewhere else. Thank you very much.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Next up is Carol Eiserloth or something close to that?

Ms. Eiserloth: I signed up for the next project.

Chair Ball: Okay, we'll hold you then. Got a whole bunch of C-2s there. Let's see, Linda Berry.

Ms. Linda Berry: Good morning.

Chair Ball: Good morning.

Ms. Berry: I'm Linda Berry. I'm here as a concerned citizen. I live about—

Chair Ball: Can you pull the mic closer to you?

Ms. Berry: –I live about a mile north of the project in the Kihei. I'm the architect responsible for the Walgreen's in Kahului on Puunene Avenue so I'm not opposed to Walgreen's in an appropriate location. And I think there are possibly appropriate locations in Kihei, but this is not one of them.

The pictures that I'm passing out were taken Maui Lani about six o'clock on a Saturday evening and I'd just like you take a look at the top picture shows a 20-foot light. They are saying that they won't necessarily put 20-foot lights, but the ambient light from a parking lot and a store this size still will spill over into the neighborhood and it's not something I would like to have next to my yard on the perimeter. Also notice that there is a refuse outside the locked refuse area in that top photo. And a bottom photo is a semi-trailer truck. Imagine the diesel fumes and the noise that the engine from this will generate a mere few feet from someone's home. This picture as I said, was six o'clock on a Saturday so just imagine yourself trying to barbeque in the backyard and having this pulling up next to you.

The business designation that our Kihei-Makena Community Plan designates for this area covers a lot of ground. It includes anything from a small bike shop in a building no bigger than a single family home with limited hours of operation to a big box store in a building like this would be ten times bigger than a family home with late night hours. A smaller transitional business would work next to these homes and as Mike said, we do have models of this working in Kihei. But to place something this large next to residences is not right. It's not what zoning intended and it needs to be located more centrally within a business district.

I also wanna mention that the Kihei economy as you know depends on tourism and it's important to Kihei to be perceived as a small town tropical beach community. This proposed site is the first commercial site that people will see when they come down South Kihei Road after driving for two miles along beautiful beach front and then residential property, and a big box retailer in this location will detract from the unique flavor of our town and will negatively impact our economy. Please do not accept the developer's claim that this project has no significant impact. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Next is George Rixey?

Mr. George Rixey: Yeah, that's Rixey, George Rixey. Aloha, Commissioners.

Chair Ball: Aloha.

Mr. Rixey: And Director and Counsel. I am a long-term resident of the Nohokai and Uluniu Road neighborhood and my children have been raised there. And it's old-time community. My house was built in about over 80 years ago. So it's a long-time established community and this project which I am opposed to is gonna adversely affect our quality of life. Also, as a architect, as a planner, and as the past Kihei Community Association president, I'm also adamantly opposed to this project and I think it's totally inappropriate for this location.

About 10 to 15 years ago when I started with the KCA, we created a development committee,

planning and development committee and we got a grant from the County to try to implement design guidelines which were called for from the Kihei Community Plan. And of those guidelines there's three in particular I wanted to talk about. I might not be able to get to them but maybe you could ask me if I don't that this particular project does not comply with.

The first one is transition. So the idea we have these four distinct neighborhoods, commercial neighborhoods, Azeka, Suda, Kalama, Kamaole. And we wanted to have a transition of commercial to residential in scale and mass and feel and character. And so that's worked successfully on a lot of projects, actually every project that's come to us has worked successfully in that regard. This project though, as it moves from commercial, our main identity at Azeka's is Azeka Place, longtime family and that's a beautiful complex that they've done. Tipped roofs, long overhangs, wood shingles. It's a beautiful complex. But as we move from that we got...we have one-stories, McDonalds, Longs all one-story, but then as we get right to the residences at Nohokai, at their entrance into our neighborhood, a two-story concrete box, flat roof, totally out of context, totally out of context. And not only that as it's been fore-mentioned, it's taking away three residential sized lots to accommodate this box. So those three residential sized lots, it's a perfect segue for a transition into more commercial. On the opposite of Azeka to the south we had a similar problem with some developer that came in and that's the Kai Ani Village. But what they've done is they've incorporated live-work units which is a perfect transition and that would be far more appropriate on this site than a Walgreen's. So that's one thing. And you know, the Walgreen's is really designed for like high visibility, big open space, it's not designed for intimate, you know, tight knit community.

The other thing I wanted to talk about is gateway which was mentioned before. We wanted to try to create like gateway features as you enter into these downtown areas.. And so basically the corner that you're gonna see when you come in from north coming into Azeka's you're gonna see a dead corner of this building. There's no windows, there's no doors, there's no people, it's just a dead corner, and it's fenestrated a little bit to kinda look like something, but it's not really something going on. It's also the entrance into our neighborhood where you get the tractor trailers, you get the trash, you're gonna get pallets, you're gonna get cardboard, you're gonna get containers, you know, that's not really the kinda thing that you wanna see even if you have heavy landscaping to try to disguise it.

Chair Ball: Thank you, George.

Mr. Rixey: Okay.

Chair Ball: Any questions for the testifier?

Ms. Duvauchelle: George, I'd like to hear the third item.

Mr. Rixey: Okay, the third item is kind of like based on like smart urban design where in order to have sort of a sense of pedestrian community which is really what the Kihei Community Plan calls for pedestrian oriented, walkable community de-emphasizes automobile. So you wanna bring the buildings up to the street and you wanna create like a lotta activity along the streetscape and that creates like the character, you put the parking in the back. So that's what we've done on all the projects that have come up to the KCA in the last 10 years have adopted that policy and it's been

really successful. This one because the building is so big and because of the nature of their design, they have to drive all the way around all four sides. That's the nature of their...it's basically cookie cutter design that they have. You gotta drive around all four sides. So it just inherently doesn't fit that mold.

I also have some critical comments about the flooding if anyone cared to ask me about that.

Chair Ball: Any further questions? Any further questions for the testifier? Commissioner Hedani?

Mr. Hedani: What about the flooding?

Mr. Rixey: Thank you. Thank you very much. Well, I can see that since the last time I saw the project that the engineer, Mr. Unemori has made significant measures to try to mitigate that situation. But FEMA, Federal Emergency Management Agency, has an agreement with the County in that flood zone where they have to mitigate any rise in the flood. So the...the mass or the volume of that building where it displaces flood has to be mitigated somewhere else. So if you consider the size, you know, it's like maybe, what he say like I think it's like 14,000 feet, 15,000 feet plus you have the sidewalks and ramps and everything else building up average of a foot and a half of flood rise. So we're looking at 20,000 plus square feet maybe more. So that's a volume of 20 plus cubic feet of water that has to be displaced. And then when you look at the retention basin which they had that accommodates the runoff, there's no way that the size of that retention basin in footprint is gonna be able to accommodate that additional volume 'cause the footprint of that basins maybe 8,000 square feet, so it's gotta accommodate 20,000 cubic feet. You gotta add another two feet plus of depth to that thing. So already at four feet the water tables, that's from mean sea level, so mean sea level is zero theoretically, but we know from living there, from building there that there's a rise, 'cause we get a...we have actually a natural fresh water table that comes down. So when you dig in that area which I would strongly advise they do, they're not gonna be going down three feet. They're gonna hit water. So it's a real challenge. They would have to increase the size of the footprint significantly and I would suggest that they provide a whole retention basin underneath their building. Anyway...oh, and I also wanted to say that the idea of the green streets was suggested from the Kihei Community Association Planning Committee. So I thank them for that.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Can you go back to the type of development you said that's happened in the last 10 years where parking's in the back and store fronts—

Mr. Rixey: Yeah, with Kai Ani Village. Like if you, if you go south of the Azeka neighborhood, commercial neighborhood on Lipoa Street across from St. Theresa's, there's a Kai Ani Village and they have live-work units that face Lipoa and they face South Kihei and it's also residential condos. All the parking's in the back. And so what they've done is they have significant sidewalk widening up against the street. I think it's like 8 to 10 feet.

Mr. Robinson: Is there any on South Kihei Road?

Mr. Rixey: Yes, there's...another good example is Shaka Pizza. It's—

Mr. Robinson: I heard that name a couple times, so where exactly–

Mr. Rixey: Shaka Pizza is in the Kalama Park area and it's on the north end, and it's last commercial building that transitions from the core of Kalama north. And basically it's designed is like a residence. It's...the building was long because the lot was long, but they broke it up into two masses to make the scale much smaller. And they have, I think they have like a surf shop there and Shaka Pizza, but it's open right up to the street. It's got big, wide doors that open up, people come in and out and the parking is in the rear.

Mr. Robinson: Thank you.

Mr. Rixey: There's more. All of them are like that.

Mr. Robinson: Thank you.

Mr. Rixey: There's Hale Kanani, that's a residential development. There's the Hi Tech Surf Sports and Surf School. They all employ those ideas.

Chair Ball: Thank you, George. Any other questions for the testifier? Seeing none, thank you.

Mr. Rixey: Okay, mahalo.

Chair Ball: Let's see Jeremy Peterson?

Mr. Jeremy Peterson: Good morning.

Chair Ball: Good morning.

Mr. Peterson: My name is Jeremy Peterson. I live on Uluniu Road with my beautiful wife and 8-year-old son. My family has owned property on this street for nearly 46 years. This neighborhood is a tight knit amazing area where you wake up in the morning, throw a shaka to your neighbors, talk story, you go on with your day, everybody looks out for one and other.

This proposed Walgreen's will have a devastating impact on this neighborhood in three key areas. It will ruin our property values by bringing increased noise, traffic, and unwanted light pollution. You guys saw their design on the west facing side. They're proposing a five-foot vinyl fence. So imagine barbequing and hanging out, you're looking at a box store across a five-foot fence. I'm sure a guy five, nine and a half on my tiptoes the fence is like that high, you're looking at this big box store.

Secondly, it will increase flooding in our area. I'm a little hypersensitive to that. My house, live right next to George on Uluniu Road and I wanna pass you guys around a couple photos. This is our area during the last flood that we had as well as there's another photo of just like some light rain so you guys can kinda get an idea visually of really what goes down over there. They're proposing to fill that area per Maui County mandates as George kinda talked to you about. All that stuff is going to flood our beautiful neighborhood. We don't want that.

Lastly, by changing the zoning from residential to commercial it really does not thing to help our island shortage of housing. Last week, myself and many neighbors in the neighborhood attended the Urban Design Review Board. We went through the same speal. It's a great design. Basically after three hours, the Urban Design Review Board unanimously decided among other things trying to....(inaudible)...a vinyl fence, but they said that it was great, great design just not in that location. So I urge you guys to help us not have it there. Thank you for time.

Chair Ball: Questions for the testifier? Seeing none, thank you.

Mr. Peterson: Thank you.

Chair Ball: Next up is Tia Brainard.

Ms. Tia Brainard: Good morning.

Chair Ball: Good morning.

Ms. Brainard: My name is Tia Brainard and my family and I have lived on 46 Nohokai Street for 17 years. We are against the change in zoning from residential to commercial for the proposed lots. The Kihei residents and my neighbors do not want this huge Walgreens in a quiet residential area. There are many reasons why we don't want this chain in our front and back yards. Increase in noise and traffic, increase in homeless people is a big issue. Flooding issues as you're well aware of. Lower property values. I mean, this is really gonna hit us hard. Bright lights, safety issues. I mean, you've heard these. I'm just repeating them. I urge you to come to Nohokai Street and take a walk, visualize everything. It's kind of hard to get a feel for it with me just telling you. If you could just come and see how quite it is. I'm sure you'll agree with me. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Scott Hergott?

Mr. Scott Hergott: Hi, I'm Scott Hergott. I live at 24 Nohokai which is right across the street from their exit of their parking lot. So every car that comes out of that parking lot will look right into my driveway and shine their lights right into my son's bedroom at night time. So that's one of the things that I was, you know, against. My property values will probably go down if that building is allowed to go there. The lights on till midnight. Garbage trucks in and out of there. I can hear the trucks from Longs Drug Store and that's way across the street. I can hear them. So you know, it's just gonna be more noise. More people dumpster diving, you know, if they throw their garbage out in the back of that store. And I think Tom Schnell said it best, when he said Nohokai was a simple two-lane street. You know, why do they want to come in and make it a three-lane street and destroy a perfectly good neighborhood? So that's all I got. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you Scott. Anyone, would anyone else like to testify at this time? Please come forward, identify yourself. You have three minutes.

Ms. Claire Tatsumi Stucklen: Good morning, my name is Claire Tatsumi Stucklen. I reside at 1157 Uluniu Road. Thank you for considering my plea to deny the proposed zoning change at

Nohokai and South Kihei Road. It is vital that this rare property be kept as a residential type of zoning to accommodate the need for housing in our unique neighborhood. Our neighborhood is an example of a live-work community. Keeping the zoning as is will allow other residents of Maui to reside in what can be developed into an example of green living. From the location of Nohokai on South Kihei Road people can walk to shops, necessity locations, the bank, doctors, restaurants, markets while residing in a quiet residential district one block from a quiet beach and fish pond. Please keep our neighborhood safe and sacred.

The proposed zoning change will lead to congesting Uluniu Road as well as increasing the traffic to Waipuilani and Nohokai. There is a blind curve that exists at Uluniu and Waipuilani. I have prayed every day that my son does not get hurt going down to park. Last year, I've lived there since 2002, he was born in that home. Last year finally we were able to get a mirror at the end of the road so that roads can see each other. We have these little deals that we have if you're going down the street to cross in front of this house to that house so that we can avoid oncoming traffic. Every time I drive there I pray that somebody is not crossing the lane over who does not understand that this is a blind curve going from Uluniu onto Waipuilani and back. There are no ...(inaudible)...sidewalks on Uluniu. Increased traffic will put our residents, many who have resided there their entire lives at risk of influx of drivers who are not familiar with the nuances of our neighborhood. It is inappropriate to subject the residents to increased noise and light pollution from the 24-hour large store with trucks and traffic. And what about the peacocks that try to cross the street?

Increasing the footprint of asphalt and concrete in our sensitive flood zone neighborhood is not a long-term solution to the drainage that we have been requesting and begging for to be addressed for decades. My son was on a paddle board, stand up paddling in front of our house on the noise at the last flood that you all got pictures of there. Luckily I had to create a catwalk to get into my home from the street and was parking my car.

There are already established stores in the neighborhood which serve the community in the same fashion as the proposed zoning change development. It's not needed in our neighborhood. Thank you for listening and considering my request to preserve the unique feel and safety of our neighborhood. Thank you for choosing to approve plans which will enhance our existence where we have invested our lives.

And also the VFW Hall is there, you know, and there has just been so many memories that people have had for their entire lives of being brought there as a child to collect seaweed and all kinds of things in the neighborhood and we have so many challenges already with people living across the street, on the beachway and we're just trying to keep our neighborhood up and clean and caring for the community and even for the people that don't have permanent homes to try to find the best solution. So thank you so much for considering our plea to save our neighborhood.

Chair Ball: Thank you. Any questions for the testifier. Seeing none, thank you.

Ms. Tatsumi Stucklen: Thank you.

Mr. Donovan Domingo: Good morning. My name is Donovan Domingo. I was gonna give you a

long speech but I think my neighbors have covered it pretty good. The one thing I wanna do now because I watched their little thing that they put on here is the fact that I was a contractor for 17 years and watching their runoff and evaluation, all that, I live at 34 Nohokai. I had to do...I had to go through the Army Corps of Engineers 19 years ago. You could check all the neighborhood around. Water level is 16 to 18 inches under the surface, that's it. I mean, that's it. They could dig as deep as they want, but it will fill right back up. So anything past 18 inches they can't disperse it anywhere else. It's gonna sit there. They could dig as deep as they want and fill it with rocks, but it's just gonna get filled with water. So they don't have a big enough footprint anywhere on that lot to compensate for the size that their building. There's just no way they can do it. So that's the main thing I wanna say, it's a ridiculous a statement. I...like I said, was build...I was in the contractor field for 17 years and that was just amazing to see. That's it.

Chair Ball: Any questions for the testifier? Donovan, where do you reside?

Mr. Domingo: I am at 34 Nohokai. I'm owner and resident.

Chair Ball: Thank you. Would anyone else like to testify at this time? Seeing none, public testimony is now closed. With that, can I get the Staff's recommendation?

Ms. Cua: The Department has reviewed the Draft EA document and finds that pursuant to the Department of Health, Office of Environmental Quality Control Rules, the document meets the requirements of a Draft Environmental Assessment. The Department is requesting concurrence by the Commission on filing the Draft Environmental Assessment and Anticipated Finding of No Significant Impact Determination with OEQC for publication. We're also requesting your comments that we would put a letter together on your behalf and that letter would have to be addressed or all your comments would have to be addressed by the applicant in the preparation of the Final Environmental Assessment document.

Chair Ball: Okay, now we'll open up for Commissioner questions to the applicant and if the applicant can pull up...yeah, yeah, I'm sure we'll have to go through some slides on that. Commissioners, questions? Commissioner Duvauchelle?

Ms. Duvauchelle: I have a question for Darren Unemori.

Mr. Unemori: Good morning.

Ms. Duvauchelle: Good morning, Darren. Can you tell me the approximate size of the basin you have to design, depth, width?

Mr. Unemori: Okay, the basin that we show has an intended capacity of about 20,000 cubic feet. It's about maybe about 9,000 square feet, 10,000 square feet in footprint, and it's about a little over 2 feet deep.

Ms. Duvauchelle: Okay, that's good. Thank you. ...(inaudible)...

Mr. Lay: Follow up?

Chair Ball: Commissioner Lay?

Mr. Lay: Darren, okay, while I got you there. This catchment area that you designed, why zero? Why not more if it's such a heavily flooded area that has a lot of reoccurring floods, why don't we go more than just displacing the exact amount?

Mr. Unemori: Well, maybe I can explain it to you in this context. So, we're aware of the flooding problem. We are providing what we can and still have money leftover to put up an attractive building. So the improvements that we're proposing meet and even exceed the County drainage requirements, but because of the limited size of the site, you know, we...we're able to get to zero out the impacts, but we can't really make a significant dent because the water being received from offsite from external sources is so large. I'm not sure if that answers your question.

Mr. Lay: Kinda sort of, not in the way that I want to hear, but anyway...on your roadside where you have your planters?

Mr. Unemori: Yes.

Mr. Lay: First describe this flood planter. I'm anxious to hear what that is exactly.

Mr. Unemori: I'm sorry?

Mr. Lay: A flood planter, what's a flood planter? You said there will be flood planters by the roadside and I don't see any design or anything so I'm wondering what that is?

Mr. Unemori: Oh okay. So there are two terms that are linked to this and one is the storm water planter and the other is the green street. You know, conventionally when we do a urban road shoulder we put a curb and then we raise the...we fill the shoulder and then we put the sidewalk up above the street. The intent there is that the gutter will catch the water from the pavements. We send it into the drain inlet that goes into a pipe, eventually makes its way to the ocean. That concept when you think about it effectively it takes the water generated in one location and disposes of it in another. The green street concept and the storm water planter which is one of the elements in there kinda take the approach that let's figure out a way to dispose of it where we generate it. So the water from the pavement will go towards the curb, but the curbs aren't gonna be solid, they're gonna have gaps in them, so the water can actually go past the curb and it goes into this lower lying planter area where the water can pond and accumulate and percolate into the ground. Now the planted areas generally have a limited amount of capacity you know holding water so to augment that what we do is we actually provide some subsurface drainage. We put like a French drain under the planter itself and that helps increase the capacity. So by doing that we're able to percolate water into the ground and not have to send it somewhere else to be disposed of. The idea being again to dispose of the water right where we generate it rather than send it somewhere else.

Mr. Lay: Okay, this is a part one if I may?

Chair Ball: Commissioner Lay?

Mr. Lay: On catchment area, you have your catchment area and you have your storm planter water area is there any filter? I mean, we've got perforated rocks down there to get the water flowing but because we've got a roadside right there where we got oil and whatever on the road that's flowing into that planted area is there any way that we're gonna have any filtration to help prevent this from happening and going into our ocean?

Mr. Unemori: Well, that's actually part of the beauty of this is the planter itself because it will capture not only the water but the oils and things, the water doesn't go into the ocean directly, it's basically in the planter. The plants on the top actually serve a useful purpose. They're biologically active so they'll actually break down oils and other contaminants and that...those contaminants which are broken down will basically go back into the soil, but in a benign sort of way as opposed to you know, we send it into the ocean and it's untreated. So in a way it's kind of like a storm water disposal system that helps treat the water. This method is actually something that is now embraced by the Department of Public Works in newer Storm Water Quality Rules. This is one of the means that they recognize as being an efficient or an effective way to deal with water quality issues on storm water. So it actually has two benefits, you know, the water side and the water quality side.

Mr. Lay: Let me just indulge myself again?

Chair Ball: Commissioner Lay?

Mr. Lay: So you're saying water flows in that direction and what you're telling us now that you're not...you're not giving the water a direction to go. You got the perforated rocks underneath, water is gonna flow in that direction due to gravity, but you're not pushing it to where you would want it go to help filter it more or a holding area?

Mr. Unemori: Well, the holding area is actually the shoulder itself. So it's planted on top and permeable on the bottom. And so you can kinda think of it as a treatment process kinda turned on its side. You treat it with the plantings, we store with the permeable rock, and we dispose of it into the ground, into the soil. So we have all the three elements of a disposal system there. The only disadvantage to that is it's got limited capacity 'cause the shoulder is you know, 12, 15 feet wide not 300 feet wide, so...

Mr. Lay: Okay, thank you.

Mr. Unemori: Okay.

Ms. Duvauchelle: I have one follow up question.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: Darren, is there...what happens when a detention basin overflows? Is there an emergency overflow, does it go somewhere or does it just...

Mr. Unemori: This particular case?

Ms. Duvauchelle: Yeah.

Mr. Unemori: In this particular case what effectively happens is that once the basin hits capacity because...and it will because the contributing area is so large—

Ms. Duvauchelle: Right.

Mr. Unemori: Effectively the water continues on out the back towards the ocean just like it would now in the flood situation.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: Did you look at offsite drainage improvements?

Mr. Unemori: You know, we took a look at the possibilities of doing a more conventional storm water system. The only problem is this area is so poor infrastructure that there wasn't an opportunity to do a conventional solution without an excessively prohibitive cost. There is a box culvert on South Kihei Road. It's actually fairly a big one. It's like a 4 x 7 that actually drains Longs, McDonalds, and some of the commercial areas along South Kihei Road. The only problem with it is that it's half submerged because of the elevation and it's draining a higher area than we are. So if we were to tie into that, we would basically...the water would basically we reflood the...yeah, we flood our site not drain it. The only other storm system I know of or somewhat conventional storm drain I understand there's one under Uluniu Road which is already known to be under capacity so there really wasn't an opportunity other than to you know, create an entirely new corridor to the ocean to really, really do that kind of storm drain system.

Ms. Duvauchelle: Thank you.

Chair Ball: Commissioner Robinson?

Mr. Robinson: First I'd like to commend the developers for actually getting somebody from Maui so that was good to be on the list, I don't see too many of them so commend on that. What does the...what is the mitigation now on the property? How much water is the land absorbing? How much rainfall? How much of the flood water?

Mr. Unemori: You know, it's...I'm not sure that we calculated exactly that. There is a little bit of ponding on the site. Some of it drains off. The site is relatively permeable because most of it is paved. So I would probably say it...I'm not sure how to quantify this for you. I think some of the runoff that is in the business zoned area still continues to run off the site. But there is some water that is held on site in that lower ponded area. So I think there might be a little bit of release maybe like 1 cfs something like that in a large storm.

Mr. Robinson: Yeah, 'cause Warren [sic] I guess what we're looking for is...flooding of course, is a concern to every resident around there and what is the...what is the net, you know, positive or the next negative as to the amount of water?

Mr. Unemori: Oh, okay.

Mr. Robinson: I mean, there's so much water going to Kihei.

Mr. Unemori: Yeah.

Mr. Robinson: You guys may add a little bit to it, but the pictures that I just saw, I mean, the square footage is, but it be you know that's something that I think might help further in.

Mr. Unemori: I think I understand your question better. So if we look at only the water generated on site, we...what we're proposing after development is probably the same or maybe a little bit better than what the site actually does now. But again, this is dealing with the flooding issue now. The flooding issue, flooding occurs because of the external water sources coming down the hill. The site is not big enough to make a significant dent in it, yeah. So there's no...in terms of the offset that we provide onsite, although we do provide an improvement, I can't stand up here and tell you we're making a significant dent in the flooding problem, yeah. So that's kind of the two sides of it. We mitigate what we can. We mitigate our internal water. We take care of our internal runoff, but we cannot make a significant dent in the offsite water coming through site because of the area contributing is just so large.

Mr. Robinson: One more.

Chair Ball: Commissioner Robinson?

Mr. Robinson: With your expert opinion, what if this whole four parcels was turned into water catchment would that be enough to help the flooding that's happening to these residents and say the County bought all this lot and we made it one big water catchment with the volume coming in?

Mr. Unemori: In my professional opinion, even...because the site is in total is only two acres, if we were to utilize it as nothing but a hole in the ground to hold water to the limits of the water tables we still wouldn't make a significant dent in the flooding problem. You know, you understand because it's 1,200 acres that are contributing water into, you know, an area that might be 100 acres(inaudible)...yeah.

Mr. Robinson: Thank you.

Chair Ball: Commissioner Lay?

Mr. Lay: Okay, we have a large parking lot area that's gonna be surrounding the Walgreens. We have a residence that's gonna be right below them. What prevents all this water that's running on the asphalt, landing on the roof and everything from going from top to bottom running to the residence right below?

Mr. Unemori: You said what prevents the water from the building and the parking lot from getting into the residential area?

Mr. Lay: Yeah.

Mr. Unemori: The storm water retention basin.

Mr. Lay: But that's on your bottom corner. On your left-hand side you got residents right there, right?

Mr. Unemori: Oh, I see, I see. So yeah, we'll shape the site so that water will run into the basin. So the basin will basically be at the low point and the site will be shaped so that it runs into the basin and not into the neighbors.

Mr. Lay: The way you have it now, you have a corner where you're trying to get water to flow towards the basin, right?

Mr. Unemori: Right.

Mr. Lay: With any corner it's difficult to navigate water to go to the right direction or you usually build up backup and...additional area because water won't go where it's supposed to go, it just levels off and ...(inaudible)...moves, right? So my concerns are on that with that residence right there that you have you have an overwhelming area that will catch water where before it was soil, coral, rock and that sort of thing where did absorb water a little...well, way more than it's gonna be doing now with this going on with this going on. So, yeah, I have a concern on that, the residence right below.

Mr. Unemori: Okay. If I can speak to it. As far as the development plan to deal with that 90-degree turn in the...and I think you're talking about this area right here, right?

Mr. Lay: Yes.

Mr. Unemori: So to deal with that, not only will there be a grade change that make the water head into the basin, but we can also put in some kind of curb or short wall or something to-

Mr. Lay: Or even it going back on that road and to the left, you know, might contribute that way too. You might have water flow backed up and heading down that street, additional flooding in that housing area too.

Mr. Unemori: Yeah, this particular section of street actually flows this way. So it actually goes back into the site. So we're, we're actually the low point of the street.

Mr. Lay: Okay.

Chair Ball: At this time, we'll take a five-minute recess.

A recess was called at approximately 11:15 a.m., and the meeting was reconvened at approximately 11:20 a.m.

Chair Ball: Call this meeting back to order. Commissioners, further questions for the applicant?

Mr. Robinson: I have one.

Chair Ball: Commissioner Robinson?

Mr. Robinson: The lot next to Longs...

Ms. Cua: On which side?

Mr. Robinson: Next to Longs.

Ms. Cua: Oh, next to Longs.

Mr. Robinson: On the mauka side, there's a big vacant lot.

Mr. Higashi: That's the mango orchard.

Ms. Cua: Oh, okay.

Mr. Robinson: Right, see the one we're seeing there.

Ms. Cua: Yeah.

Mr. Robinson: What is that zoned at do you know?

Ms. Cua: I'm not sure. We can check. She's gonna pull up the zoning map. Oh, that's the community plan. It's community planned business, but I'm not sure what it's zoned.

Mr. Robinson: Thank you.

Chair Ball: Further questions? Commissioner Hedani?

Mr. Hedani: I actually have 10 questions.

Chair Ball: Okay, we'll go two at a time.

Mr. Hedani: So I'll ask one question and then I'll give the rest of the Commissioners a chance.

Chair Ball: You may have two and then we'll give it-

Mr. Hedani: The first question that I have is you know we heard a guy that lives in the area say if you dig down into the ground, you'll hit water in 16 or 18 inches, yeah. Probably Tom is the best guy to answer, the question that I have is, for the first time since 1980 the Hyatt Regency Maui in Kaanapali their back parking lot flooded with six inches of sea water, yeah. They had a super high tide, 2 ½-foot tide, we had super large waves come in. It went over the berm, flooded the whole

parking lot in the back of the hotel, six inches of sea water. We know that over the next 100 years sea level is gonna rise in Hawaii by about, the estimate is about three feet. So the water is not gonna come in this particular case from the ocean. It's gonna come from directly under the site and it's gonna come straight up. And so the question that I have is, how does the site address the question of sea level rise?

Mr. Schnell: I think that's an excellent question for the, you know, the Final Environmental Impact Statement, and this...or sorry, Environmental Assessment. We can look into the impact of sea level rise and include that in the draft or sorry, the Final EA.

Mr. Hedani: I think it's a problem and what I'm looking for is a solution that can be done on the site that could be applicable to the rest of Kihei because all of Kihei is gonna have a problem over the next 100 years. It's gonna get worse, it's not gonna get better. And the pictures that I saw of people's couches floating in the water is not gonna get better, it's gonna get worse.

Chair Ball: Is that one question?

Mr. Hedani: Yes.

Chair Ball: You have another question, Commissioner Hedani?

Mr. Hedani: The second question I had was the site is being elevated so you're raising the site by about two feet I guess was the...

Mr. Schnell: Well, let me clarify, the building footprint is being elevated above the flood level. So the base flood level is six feet and our building first floor area will be seven feet so we're above the flood level. We're not proposing to fill in the parking lot and that's an important consideration because the amount of flooding that comes through, the water...the building footprint or the building foundation is going to displace the amount of water from the building. But the parking lot will stay at existing grade or similar grade so that water can flow around the building into the retention basin in the back.

Mr. Hedani: Okay.

Chair Ball: Anyone else has a...Commissioner Higashi?

Mr. Higashi: Tom, I have a question for you. Personally I think as far as meeting the compliance of this particular building, I guess you have met compliance. My personal concern is that looking at the building itself it's like a sight for sore eyes from the standpoint that it's overpowering in that particular vicinity area. And it would fit more I think mauka of Piilani Highway where the commercial building and so forth. It's just that it just doesn't seem to fit the motif or the actual area in that particular vicinity when you look at Longs and they're all low buildings, et cetera. This one is like overpowering.

Mr. Schnell: I understand those concerns and those comments and those are design issues that we can address. And truthfully, you know, if we go to the building elevations or your know the

design, we tried to do something that was a little bit unusual that was different and that we hoped incorporate a flavor of Kihei. And it's a little bit colorful it is. It's not a beige box. We didn't wanna do a beige box, but if that's the direction, you know, the design questions can, you know, design can always be changed.

But I did wanna address, like you know, since you brought it up a couple questions or concerns that came about. You know people termed this as a big box. Typically I think a big box is considered like Target or Walmart or you know, Costco is a big box kinda development. We're at 14,500 square feet. So you know, a supermarket, a Foodland is 25,000 to 40,000 square feet. So we're significantly smaller than what would be classified as a big box so I did wanna make that point.

You know, 35 feet at the highest, you know, architectural element is well below the zoning that would be allowed in the B-2 District and actually the Residential District maximum height is 30 feet, you know. If we changed to B-2 we would be well under the height requirement in B-2. But remember the majority of the building is about 22 feet high. So I wouldn't term it as a two-story building. I mean, technically a single-family house could be about 22 feet high or higher, but I mean, for a commercial building 22 feet is not significantly high.

I heard some concerns or comments that people like the Azeka Center kind of architecture. We can certainly look at, you know, issues or types of architecture that would maybe, you know, the Urban Design Review Board or this body might consider more appropriate for the building. I understand your concerns.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: For comparison so we can kinda get an idea of the size. How does this compare to your store size in Wailuku and Kahului?

Mr. Schnell: I'm gonna have ask Jeff or...It's about the same.

Ms. Duvauchelle: About the same size.

Mr. Schnell: Wailuku is the taller building.

Ms. Duvauchelle: But square footage you're about the same size--

Mr. Schnell: Right.

Ms. Duvauchelle: --14,000 square feet.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: Does Walgreens own this property?

Mr. Schnell: Walgreens does not own the property right now. They have a contract to purchase

the property contingent on being able to change the zoning and obtain all the required permits.

Ms. Duvauchelle: Okay, thank you.

Chair Ball: Commissioner Medeiros?

Mr. Medeiros: I notice the...okay, on both sides the street side you have your loading dock and everything and the McDonalds side what do you have over there?

Mr. Schnell: The main entrance to the Walgreens store is on the McDonald's side.

Mr. Medeiros: Okay, what did you have on the street side, not the McDonalds side, a loading dock there?

Mr. Schnell: This is the loading dock side, correct. This is Nohokai Street. This is South Kihei Road.

Mr. Medeiros: Okay, 'cause I was...why do you have the loading dock with all the trucks going towards the residential side and not McDonalds side? You know, I mean, why bother the residents? And you know, McDonalds is gonna be open anyway?

Mr. Schnell: I think that's a good comment and we can address that and we can, we can have some design considerations. And I can bring Jeff up to talk about that issues, but really we feel the synergy of this area is in this circle here. You got McDonalds here, you have your entrance here, and you have the connection between the two properties here. So that's why we located the entrance at this corner. And we felt that we could. We could sufficiently mitigate the loading dock area with appropriate landscaping and screening here.

Mr. Medeiros: And who did the traffic?

Mr. Schnell: Our traffic engineer is Phillip Rowell, who's here.

Mr. Medeiros: Okay, 'cause I live in Kihei. I don't live very far from there. I live one street past Waipuilani side, but the traffic is really bad. My grandma and grandpa lived over there in that area too. So I'm very familiar with Kihei Road. I mean, in our block, our area we joke about Kihei translated into English means no left turn. So I mean, with all that traffic, additional traffic even though you say it's only gonna be 42 cars, you know, in order for me to get out of my street at the speed of traffic and it's about five, six miles an hour during peak traffic, I gotta wait 42 more cars, you know, I'm stuck at my stop sign for 10 minutes.

Mr. Schnell: You're up here?

Mr. Medeiros: Namauu.

Mr. Schnell: Waipuilani—

Mr. Medeiros: One street above it.

Mr. Schnell: Oh, okay. Could you go to the site plan? So one of the significant traffic improvements that we would propose for the project would be to widen South Kihei Road on this side and the widening allows us to put a left-turn lane median. And this would be left turns into Walgreens coming this way, and also a left turns into Kihei Center coming this way. So we're attempting to provide this left-turn median lane that is not here now, and these improvements also include the sidewalk area which is not there now and bike lanes on both sides of the street in front of the project.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Tom, one of the things I read was that you'll have 100 percent retention on site. So everything that's generated on the site will be 100 percent retained on the site itself?

Mr. Schnell: Everything's that's generated as a result of the building and the parking lot will be retained 100 percent on site.

Mr. Hedani: Right.

Mr. Schnell: But we can't hold everything that comes down from the mountain that's...

Mr. Hedani: I know. I heard the explanation that Darren had given, yeah. It looks like most of the flow is coming from the street itself. So it flows from the street onto this particular site?

Mr. Schnell: That's my understanding. Actually it flows, you know, from up much higher mauka through Kihei and South Kihei Road and then onto the site and into the surrounding neighborhood.

Mr. Hedani: I don't know what the legal parameters of that are. Are you obligated to accept drainage coming from offsite onto your site?

Mr. Schnell: Well, we can't change the amount of water that leaves our site compared to existing conditions now after development.

Mr. Hedani: No, but are you required to accept water from offsite?

Mr. Schnell: We can't help but to accept it, but we can't hold all the water that's coming down. Does that answer your question?

Mr. Hedani: I guess my question is what gives somebody the right to flood your property?

Mr. Schnell: You mean, water coming from mauka of South Kihei Road?

Mr. Hedani: Right.

Mr. Schnell: Well, it's a natural flow the way the water sheetflows. I mean, there can't be a dam

at some point that holds all the water. It's gonna naturally flow through the area.

Mr. Hedani: It's just the way it is. Okay.

Mr. Schnell: I mean if you look in let's say in Lahaina there's a huge, you know, channel that the Corps of Engineers built many years ago.

Mr. Hedani: Right.

Mr. Schnell: That you know, is a flood mitigation project. I think there has not been something at that scale in Kihei.

Mr. Hedani: So nothing's been designed to address the concerns of Kihei from the flood standpoint?

Mr. Schnell: From a regional level is my understanding. Oh, Rowena has a comment on that, okay.

Ms. Dagdag-Andaya: Just a quick comment.

Chair Ball: Public Works.

Ms. Dagdag-Andaya: I'm sorry. Yes, thank you, Chair. As far as drainage being accepted, there...I mean, in our drainage rules when you develop a project, as long as your drainage...the drainage that you create needs to stay within the property as a result of your project. So for example, the Azeka's project, anything from there that they created through their project needs to stay on site.

But it's a regional project as Tom and Darren had mentioned with the upper...the mauka properties. And one of the things that I wanted to note was that we do have a drainage study that's being developed right now. The draft for that drainage study for the South Maui area is anticipated to be completed some time at the end of the summer, either early September or late August. And at that point, we'll get a better understanding of just the regional area and the concern...I mean, the...and any kind of proposed mitigation for South Maui.

But getting back to your question about you know, what gives, I guess your question was what gives another property a right to...there are controls where, you know, if you develop your property then you need to keep your storm water on site. But as far as ag properties, I think prior to...I mean, it's just the natural flow from those properties. So we do want to look at that regional problem and be able to come up with solutions for it. I think in recent times a lot of that is always put on development to try to help come up with solutions. But I think...and you kinda piecemeal project by project what can each developer do or help, but that's an issue that we need to look at in much regional sense and...or regional perspective and talk with individual landowners who own large parcels on the mauka side. So I don't think that answered your question much but...

Mr. Hedani: Well, I'm glad that there's a plan.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: Rowena, are there any–

Chair Ball: Use the mic.

Ms. Duvauchelle: Oh, sorry. She's behind me. Are there any capital improvement projects in the works for the neighborhood where everybody lives to help with the drainage?

Ms. Dagdag-Andaya: Chair?

Chair Ball: Public Works?

Ms. Dagdag-Andaya: Currently in our six-year plan we don't have a CIP project. That's what the drainage study will help us determine. We need to look at what kind of mitigation efforts, what are some proposed projects we can take a look at. When we first talked with Darren Unemori and Tom, you know, one of the things we did bring up was the whole green streets concept that you know, we should be looking into more of these types of features in our neighborhoods, in our communities. I know it's a small kind of effort, but that...you know, if we got more people, more developers to do that, that might be a huge impact on our storm water quality and perhaps storm water retention. Those drainage types of features, that green streets concept is more geared towards storm water quality more than anything.

Ms. Duvauchelle: Thank you.

Chair Ball: Thank you. Commissioner Hedani?

Mr. Hedani: I kind of like the comments that I heard from George Rixey where he was talking about moving the store towards the street creating a streetscape that's inviting to the people that's pedestrian oriented. There's a lot of things that I like about what you folks are proposing.

Mr. Schnell: About what, I'm sorry?

Mr. Hedani: You know, the complete streets idea, the sidewalk, the meandering sidewalk with landscaping, I like a lot of the stuff that you have. I think some of the stuff that George is talking about would improve the project to some degree, pushing it towards the street creating a streetscape. Perhaps large overhangs of the building itself that would provide shading for people that, for customers actually that would be using the facility as well. The other concern that I had is for the people that are on Nohokai Street. It kinda puts the back of the house functions on the street side. To me, the back of the house functions should be in the back of the house and George's idea was push the parking to the backside of the building and then create people friendly views from South Road as well as Nohokai. So I thought those were valuable comments to consider.

Mr. Schnell: So let me just address a couple of your comments and then Rock Tang from Walgreens can address some of the building orientation issues. We did meet with the Kihei Community Association twice. And I thought we had moved in a positive direction. We couldn't address all of their concerns, but we did incorporate some of their concerns and George or I forget

who brought it up, but they are correct they also suggested the green streets approach which we have undertaken and wholeheartedly adopt. And a couple of the other things were the meandering sidewalks...why we couldn't...Rock can address moving the building up closer, but we did create an attractive, I think it's an attractive pedestrian environment with the meandering sidewalk coming through and it's attractive. There are a lot of windows in this corner of the building and one of Kihei Community Association's comments too was that windows create interest for pedestrians as you're walking by. You can see in the building, you can see what's going on. So we do have quite a bit of windows along this area.

The other issue you mentioned was shading areas. So there are, actually if you can go to the section, yeah, those are...any of those are fine, yeah. I mean, this is an awning overhang that does shade the building and provide some relief, you know, especially in the front and these are the large windows that I was talking about.

Mr. Rock Tang: Good morning, folks. Rock Tang. I wanted to just answer your question on building orientation. So I'm a development consultant for Walgreens and in the past I've worked for Walgreens directly. I'm also a broker in the community. In the past, I have worked for Longs Drugs and for CVS Pharmacy. So I am familiar with neighborhood pharmacies, their drug store, their orientation as well as what works for neighborhood retail, shopping centers. I work closely with Foodland as well, and my colleagues at Safeway.

Typically speaking, people like to see that there's parking available when they go shop which is why Longs Drugs across the street which is a 25,000 square foot store is oriented the way that is. It's also why Azeka both sides also have parking fields which are visible to the consumer. Pulling the store up to the street would result in the parking becoming behind the building and that way the parking is not visible to the consumer. The consumers typically assume that the parking is not there and/or they see the parking full. So from a retail leasing perspective, the building that's pulled up to the street has less value and is less desirable and in many cases is commercially not viable. There are a number of examples in which shopping centers which have street fronts like that face a lot of challenges. I mean, even in...unless it's extremely, heavily pedestrian oriented areas where you have an over, really high density development. New York City, San Francisco where you have really dense areas where pedestrian traffic is primary, the majority of folks coming to shop in this area will be coming by car and as such, you know, the visibility of the parking remains very, very important.

Chair Ball: A question while you're up there on that. So there's obviously a study on the size of the structure that can you give us a little background on how you came up with the size of this?

Mr. Tang: Sure. I mean, Walgreens is a over 100-year-old pharmacy. It's a neighborhood pharmacy. That's first and foremost what they do. And this store size is similar to what they call essentially a prototype which is the store size we try to adhere to more or less with almost all their new stores after having developed this concept over, over decades. It includes a drive thru pharmacy which does add something to the community. You know, right now I see most of us, we look able, but I know for many people who are infirm, seniors who have mobility issues or whatnot, you know, people who are temporarily disabled or on crutches, having that drive thru pharmacy, having that additional access to medicine as opposed to trudging through a big store is a real

benefit to the community. So you know, having...it's a part of this site is designed with that drive thru in mind to make it more convenient for people. Sometimes mothers with sick children don't wanna come through the store, don't want get other people sick. It is real community benefit. So that store size is what they have determined is appropriate for a community of this size.

And we're empathetic by all means to the flooding in Kihei. I mean, it is a serious issue. We recognize that this property whether it's Walgreens or not will not be the solution for Kihei's flooding issues. We recognize that. It's Walgreen's hope as a company that they come here and add some real positive, real positive impact to the community whether it's through jobs, whether it's through new construction business for a lotta folks here. The times are good right now here, but it's not always great. One thing that's nice about drug stores is they tend to stand the test of time. They tend to be very, very actively involved in the community.

Now having worked for Longs Drugs, having worked for CVS Pharmacy, you know, when you look at companies that contribute and become part of the communities and do so more on the corporate level, objectively, I've seen Walgreens do a lot more in my short time with them than I've ever seen Longs Drugs or more importantly even CVS do community. I don't know, you know, I mean, I mean think they add a lot to that. And so as a neighborhood pharmacy is a building that, you know, this is what, what works and by being able to present additional retail options to community it feels appropriate size.

Chair Ball: Yeah, a follow up question to that is, do you only work in Hawaii or do you work with Walgreens in other areas? And my question being that they do work in other areas, you know, the other Walgreens here on Maui are in industrial areas so they fit very easily in those areas where this one is right next to a neighborhood.

Mr. Tang: Sure.

Chair Ball: And I'm just wondering you know, it fits by numbers, right, but is there any design...alternate designs that Walgreen has in other parts of the country that you know, are similar to this where it's right next to a residential neighborhood?

Mr. Tang: Sure. I have worked with Walgreens and CVS both here as well as the mainland, both in Northern California as well as Northern Nevada. Generally speaking the size of the store remains the same except for you know, really unique urban environments. For instance, I've worked on San Francisco trade area particular which has very unique situations. But for almost every other community that I can think of, the standard store size is about this size. And it's a size that works commercially. Pharmacies are actually a really tough business. The margins if you look into the business actually go down and that's why a lot of...you don't see a lot of independent pharmacists because there's so many federal regulations involved in being a pharmacist. You can only imagine, right, you're handling drugs, right, that it's very, very difficult for independents to make it work. So you know, part of the business is convenience oriented, you know, in trying to provide other retail options.

So for other communities from the design standpoint there's some differences. You know, CVS on the East Coast will have like more brick work to reflect maybe a more New England in feel. In

California and the Southwest you might have something you know maybe a little bit more stone work that has a little bit more of that feel to it. The general store size is about the same. The exterior is a little bit different. But you know, it really just comes down to what, what kind of a exterior facade you wanna use, but in terms of the general size, shape, configuration, they stay pretty much the same.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Are you familiar with Kailua, Oahu Longs?

Mr. Tang: Yes I am, on Oneawa.

Mr. Robinson: Pretty successful store.

Mr. Tang: I think it does okay.

Mr. Robinson: And Whole Foods next to it.

Mr. Tang: Whole Foods, yes.

Mr. Robinson: And think it's got the record for per square foot revenue. I think they just...Castle just sold that property for record amounts as well. They are on the street. Their parking is in the back. So I'd like to challenge that assumption that if there's no parking on the street something's not going to be successful. That is a perfect example of a walking community, biking community, big anchor tenants and I know that Walgreens can't do it by themselves, but they sure could start a trend. The post office, the lots next to it, there's room and the Longs Drugs to go ahead and put some storefronts and walking with this improvement and stuff. Walgreens has an opportunity to be, you know, the leader in starting to turn this community on this side of Kihei I feel. And I just want you guys to think about that as well.

Mr. Tang: Sure. Now, I'm very, very familiar with that development, that project, Castle, you know, and the various other owners prior to that. Now it's a very unique situation because there you have a three-deck parking structure behind the building. You have Macys, you have Whole Foods, you've got Target across the street, it is a very much is built in a way that as opposed to Kihei which is basically, you know, South Kihei Road which is one road down the middle of the street and that entire area is revolves around that central focus, that central locus, so it's really a center of Kailua Town. So that's the unique configuration of that really, really works for that situation.

In situations like this where it surely just kind of more of a, you know, of a really arterial road, where there isn't that central focus of the town, those configurations don't, don't really work quite as well. ...(inaudible)...Park has a Walgreens that is street front, park in the back, but in that parking also near a Trader Joes, right. So you know, if this were a 20-acre project or even a 10 ½, 10-acre project that had that type of unique configuration where you essentially have a shopping center surrounded by residents on all sides. Ala Moana is a great example of that. You're more or less surrounded. Actually a better example of that is Don Quijote right in Honolulu which is surrounded on all sides by high rise residential. That lends itself more to that, but you know as a real estate

professional and not a Walgreens rep, but as a real estate professional, if you look at the property the reason why it sat vacant for so long is in part because of severe design restraints, the environmental restraints. You know, mom and pop shop is not gonna be able to go through this process, go through and invest the money that it's gonna take to put in the sidewalks, to put in the drainage, to do the environmental study. I mean, it's an extraordinary, it's extraordinarily expensive to do this.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Expanding on that. Okay, I think having the building closer to South Kihei Road also provides more of a buffer for the neighborhood behind. What is currently the distance between the building and I guess the neighborhood houses on the west side of the building? You can use the same drawing.

Mr. Tang: Thirty-six feet.

Vice-Chair Tsai: Right. So what I'm saying here is if you have it closer to the street then at least for the neighbors they're not looking at the backyard this huge building in their face. You have much...you have more of a distance in between. I think that is a very valid point just take into consideration.

Mr. Tang: Right. Well, I mean, I think, you know, a lot of that was...I mean, I think we've tried to mitigate that concern with kind of the landscaping and the walls that were set up, so...(inaudible)...

Vice-Chair Tsai: Follow up.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Yeah, you have a screen fence there. How tall is that fence?

Mr. Schnell: In our plans right now, the fence is six feet tall. But you know, we can make the fence taller. I think there becomes a point where, you know, the taller the fence is it becomes more of a wall. So I think there's a balance of you know, does somebody wanna look out and see a six-foot fence and landscaping or would they like to see a 12 or 15-foot wall on their property line too. Those are design considerations, but six feet is just what we set it at now.

Vice-Chair Tsai: I think being a good neighborhood you guys wanna provide as much buffer as you can for the, you know, folks live in that area with their house very much against, backyard against that fence. And you know, a lot of visual softening with you know, landscaping would really help.

Mr. Schnell: I agree, yeah. Could you go to the one picture of the neighbors? There's another one, towards the back. There's two pictures on the same shot. So this is the property and you can't see it very well, but this is the property that's immediately adjacent to the west, to the makai side. They currently have a long driveway that serves, I think there's two or three units there. So you know, Walgreens would be on this side, and we can certainly, you know, screen and we could screen our side of the property and their side of the property, that would be fine. This is a view

looking in from the, you know, proposed Walgreens site and into the property here which is in back of their driveway. Yeah, we can plant, you know, it's all a design consideration and we can talk to that neighbor to see what they would find acceptable.

Vice-Chair Tsai: Right. I think it would be really nice for you guys to actually plant on both sides of the wall so that, you know, they're not just staring at the wall.

Mr. Schnell: And that was one of the recommendations of the Urban Design Review Board also.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Before we leave the architecture of the building. When I look at the building, I can see where they exercised a lot of effort in terms of trying to put some detail into the building to make it interesting. But from my perspective the building itself it does not reflect a Hawaiian sense of place. It's a cookie cutter design basically that's based on a successful model that Walgreens has followed, but what I would like to see is it reflect a better sense of place. I think in all of Kihei is searching for a better sense of place right now. It's a community in search of itself because what's happened in the past just happened and it's trying to define itself. And I give a lot of credit for KCA to come up with all of the stuff that they have come up with because it shows how desperate they are to create an identity for the area and I think this can help to some degree if it listens to what they're saying to some degree.

Mr. Schnell: I understand the comment about sense of place, and we can certainly look at that in design.

Mr. Hedani: The other question that I had getting back to the drainage issue is, is the parking lot permeable?

Mr. Schnell: Currently we have not proposed permeable pavement. Right now, the water would flow through the parking lot into the retention basin which by the way is a grassed retention basin that would absorb water.

Mr. Hedani: Right. I give you folks credit for creating the retention basin, if it could be bigger I think that would be better. If it could be deeper, I think that would be better. If you could prevent the little drainage arrow from going off of the site into the neighbor's lot directly makai of this site, I think that would be ideal because we've seen their couches floating.

Mr. Schnell: I understand the concerns. It is slightly oversized. It's not exceedingly oversized, but it does hold more than the required retention. The arrow going offsite reflects you know, current conditions and we can't, we can't make the retention basin big enough to stop the flow on the makai side. We just can't do it.

Mr. Hedani: I give you folks credit for doing 100 percent retention on site for what you created. What I'd like you to consider is subsurface drainage beneath the parking lot. Possibly combined with permeable parking so that you, you have not only your retention basin, but your entire parking lot becomes a retention basin at that point.

Mr. Schnell: Okay, I understand that comment and we've talked about it with Darren Unemori and there's all kinds of combinations that could be possible on drainage. My understanding is, and we can look into those, I'm not saying we're not going to look into them, but my understanding is you know, as the question was before, even if the entire site was a retention basin, it's not gonna solve the regional problems.

Mr. Hedani: I agree.

Chair Ball: Commissioner Lay?

Mr. Lay: This is in regards to your elevation and your flood zone. Right now, you're saying that your building is gonna be six feet above the flood zone?

Mr. Schnell: Correct. The first floor will be at seven feet above the base flood elevation or sorry, the base flood elevation is six feet, we'll be at seven feet. So we'll be one-foot above the base flood elevation.

Mr. Lay: Currently the lot is what?

Mr. Schnell: I think it's like elevation two or three...four to six.

Mr. Lay: Above the flood zone or...

Mr. Schnell: Current elevation.

Mr. Unemori: Darren Unemori: To clarify your question. So the six number in the, in the base flood elevation is actually an elevation taken above...at theoretical mean sea level based on bench marks that...elevation benchmarks that FEMA sets along the coast so it recognizes. So it's an absolute elevation over average mean sea level. So the elevation of the site, the existing site compared to that same benchmark is somewhere between elevation 4 and elevation 6 with the site not perfectly flat. It's irregular. It's a little higher towards South Kihei Road. But it's not a, it's not a height above ground. It's height relative to mean sea level datum.

Mr. Lay: Follow up?

Chair Ball: Commissioner Lay?

Mr. Lay: You're saying with 7 you're just going one foot. I mean, on your highest point on your lot that you're building your building you're saying is at 6. So you're saying at that point you're just gonna go one foot above?

Mr. Unemori: Well, actually where the building sits the ground is something like elevation 5 or something like that. So the requirements to be a in flood zone, the flood regulations require that the finished floor be a foot above the base flood elevation, the top of the 100-year water surface. And so that's how we arrived at a floor for the building at elevation 7. The parking lot is down at normal ground level, yeah, elevation 5, something like that and we need to keep it down that there

because, you know, because of the water coming through the site, it naturally passes through the site, we're not allowed to block that water. So we need to be able to let pass around the building and out the other side.

Mr. Lay: Just more understanding of that?

Mr. Unemori: Certainly, yeah, certainly.

Mr. Lay: What I'm trying to get at is like, okay so if I'm looking at that lot now, there's no building on it. How much higher is your finished floor gonna be if I'm looking on your roadside before I hit your finished floor where your building is gonna be? I mean is it gonna be three feet higher from that road where it's now or is it gonna be four feet? Your stairs I'm looking three feet higher than what you know that's currently there.

Mr. Unemori: Okay, you will probably see...if you were to strip away the top of the building and just imagine the floor of the building-

Mr. Lay: Exactly.

Mr. Unemori: ...(inaudible)...glass. You'd see the floor about maybe two feet above the ground where it is the gravel parking lot. "Cause it's not grossly higher. It's that the flood depth is...

Mr. Lay: I understand. Just ...(inaudible)...with the picture.

Mr. Schnell: I think the question you're asking is...well, how big is this area right here, right? 'Cause this is our entrance and this is the build up area.

Mr. Lay: Right.

Mr. Schnell: That's what you're asking, right?

Mr. Lay: Yes.

Mr. Schnell: How high is that? How high is this foundation area?

Unidentified Speaker: ...(inaudible-speaking from audience)...

Mr. Schnell: It's about two feet, okay.

Mr. Lay: Okay, thank you.

Unidentified Speaker: ...(inaudible-speaking from audience)...

Chair Ball: I have a follow up to that. Then is this at 35 feet there or is the 35 feet plus two to make 37 feet?

Mr. Schnell: I'm not sure I understand the question.

Chair Ball: You have a height of 35 feet to the peak of that, of your roof. So it's 35 feet from existing grade or is 35 feet from the finished floor?

Mr. Schnell: So it's from finished floor. So add, add that extra two feet.

Chair Ball: Okay, at this time we'll recess for lunch and we'll be back at 1 o'clock.

A recess was called at 12:00 p.m., and the meeting was reconvened at 1:03 p.m.

Chair Ball: Call this meeting back to order. We are on item C-1, the Walgreen's application. Further questions from the Commission? Commissioner Hedani?

Mr. Hedani: Tom?

Mr. Schnell: Right.

Mr. Hedani: I didn't see in any of the renderings any photo voltaic systems for the, for the store. Is that something that's being considered?

Mr. Schnell: It has not been considered at this current point. I mean, we could look at it, but I don't...

Mr. Schnell: Lloyd, do you guys have photo voltaics on your stores?

Unidentified Speaker: We don't currently--

Chair Ball: Can you please...if you're gonna talk to me in the audience, they need to come up and identify themselves for the record?

Mr. Schnell: Sure.

Chair Ball: Thank you.

Mr. Larry Adler: Sorry, my name is Larry Adler from Walgreens. We don't currently have photo voltaics in Hawaii. We...I think we're working with a vendor that would supply them for the whole...our whole group of stores here and lease back or something like that. I can get you more information on that if you need it.

Mr. Hedani: I think my question would be can you consider implementation of photo voltaic systems?

Mr. Adler: Yeah, and we are...we're considering it as a whole. So as there will across the board as opposed to on this facility.

Mr. Hedani: Hawaii has one of the highest electrical costs in the country so I think it would be in your best interest to think about it.

Mr. Alder: Yep, 35 cents a kilowatt hour.

Chair Ball: Thank you. Other questions? Commissioner Hedani?

Mr. Hedani: I noticed in the renderings done it's beautiful renderings but it doesn't show any mechanical equipment on the roof of the facility. Is there a provision to screen the mechanical equipment from view from the public?

Mr. Schnell: Yeah, we can definitely screen the mechanical equipment. I think from the perspective of the renderings probably doesn't show up to the roof top but we can screen it back, sure.

Mr. Hedani: Yeah. I know I asked the same thing of Star Supermarket right down here down the road, but because they didn't take into account the elevation from the highway, all of their underwear is showing right now.

Chair Ball: Foodland, you mean. Other questions? Commissioner Robinson?

Mr. Robinson: Would I speak to you to traffic?

Mr. Schnell: Why don't you direct the question to me and then I'll bring up Phil Rowell if we have really detailed questions.

Mr. Robinson: Actually I do.

Mr. Schnell: Okay. Heavy topic after lunch, boy.

Mr. Robinson: Made the trip, right?

Mr. Phillip Rowell: I'm Phillip Rowell. I did the traffic study.

Mr. Robinson: Hi Phillip. The traffic study that you took, when I looked at the pages it was done on five different days, different intersections at different days or was it five different studies of all the intersections?

Mr. Rowell: It was a different study for each intersection. We are required by the County and the State to count either on a Tuesday or a Thursday. So that's...it was spread out over a week or...actually two-week period.

Mr. Robinson: Well, I saw one that was in December during school time I think it was...well, on the paper it said 12-4, 12-6, 12-8 on 2014 and then there was...saw another one 3-26-2015. So I'm not sure what those dates represent in your paperwork that has the numbers.

Mr. Rowell: Can you tell me where you're...those are LOS sheets, worksheets. Tell me what located on the bottom.

Mr. Robinson: So these aren't your studies?

Mr. Rowell: These are not my...these are where I input the traffic volumes and...

Mr. Robinson: It's hard for us to see too, it's been double-paged.

Mr. Rowell: I don't have those. Oh, those are...

Mr. Schnell: Right there, right there, Phil.

Mr. Rowell: I'm sorry I don't see too well.

Mr. Robinson: No problem.

Mr. Rowell: Okay, those are LOS worksheet and the date up...(inaudible)...is the date that I made ...(inaudible)...

Unidentified Speaker: Prepared them.

Mr. Rowell: Are you talking upper right-hand corner?

Mr. Robinson: Yes.

Mr. Rowell: Those are the dates that I ran the program. Those are not the dates of the traffic counts.

Mr. Robinson: Is there a date that you did do the traffic studies?

Mr. Rowell: Not in this report. I have them on my worksheets. But they were done before schools let out of March and April of 2014.

Mr. Robinson: 2014?

Mr. Rowell: Right.

Mr. Robinson: March and April?

Mr. Rowell: Right.

Mr. Robinson: So that's, that's school period as well as peak ...(inaudible)...

Mr. Rowell: Yeah, I have to do the counts before the schools recess. That's the requirement.

Mr. Robinson: Okay. I have a follow up question. Is I am of the belief that the adding of the left lane is actually gonna help traffic flow?

Mr. Rowell: It will.

Mr. Robinson: You know it's more lanes, more cars can fit on it. But I'm also the belief that the more lanes you have you invite more traffic to come toward your area and people who are usually stuck in the Kihei for 10, 15 minutes now that it flows more they might not go to Piilani and come down all the way down, they might do that. Is there any validity in my thinking?

Mr. Rowell: Kinda sorta. Keep in mind that traffic getting to this area going from the north is constrained by South Kihei Road which is one lane in each way. To the south, you've got actually Lipoa is the constraining point. That is kinda controls traffic that goes from the north and to the south. So this particular case it's kind of separated by those isolating areas. So the...in this particular area it does help the traffic, I mean, it's...it makes traffic move and flow better, but you still got one lane to the north that they can't go anywhere.

Mr. Robinson: So Phil what you're saying is that it will be bogged down prior to Nohokai-

Mr. Rowell: I wouldn't-

Mr. Robinson: -(inaudible)...I'm sorry, it would be the same as Nohokai, it'll be, it'll be, be less congested from Nohokai all the way through to the other side of the McDonalds?

Mr. Rowell: To the other side of Lipoa actually.

Mr. Robinson: Of, of Lipoa?

Mr. Rowell: The study area went down to Lipoa,

Mr. Robinson: Okay.

Chair Ball: I have a question since you're up here on that. If you can go onto a more zoomed in shot, maybe the one that was previously up there? Yeah, that one's good. I'm not sure if there was any study, but it should be considered I think that looking at eliminating the access off of Nohokai, that's the name of the street, right? And making an ingress on the north end of the property, one at the south end of the property, and possibly considering a no left-turn lane at all similar to your store in Maui Lani?

Mr. Rowell: Are you saying no left-turn on Nohokai?

Chair Ball: No access at all off of Nohokai. So your access would be the north side would be maybe your ingress and then your south side would be your egress.

Mr. Rowell: I'm gonna let Tom answer that.

Mr. Schnell: So you're suggesting no access here on Nohokai at all, correct? Right, and then this left-turn lane is not there, is that what you're saying on left-turns?

Chair Ball: I would say it probably would not be needed there if you're, if it's, you know, if you're not gonna have...if you're not gonna increase the volume of traffic there, but also not allowing a left-hand turn out. So you only can make a right turn out of the property, of your property.

Mr. Schnell: Well, let me address point by point on those. So actually since the Urban Design Review Board we have been looking at designs that would eliminate the Nohokai Street driveway 100 percent. So there would be no access or into or out to from Nohokai. So essentially Nohokai could remain the same and we wouldn't need to widen this area, although we could still put in the sidewalks. And then maybe we could do a little more screening treatment over here because I know one of the neighbors was concerned about lights and stuff shining into his driveway. So you know, we're seriously considering that option right now. And it does, you know, from a traffic standpoint that could work for us. Phil has based his traffic study on full access in and out of this intersection here or you know, this driveway and actually this...this is kinda, this is an open median type of lane so you can turn both ways. It's not just left-turn one direction only. So this could actually serve as kind of a, I think they call 'em a refuge lane so if you get over here and you know, you could pause a little bit on that side for to get a break in traffic this way. But we would definitely prefer full access through this intersection.

Chair Ball: And a follow up to that, you know, the level at McDonalds in the left-hand turn lane was I don't know substandard or whatever the term you used.

Mr. Schnell: Yeah.

Chair Ball: Would that lane, that storage lane or whatever you wanna call it on South Kihei Road would that help that condition at the McDonalds intersection?

Mr. Schnell: Well, I believe—

Chair Ball: Or at your left-turn intersection too? I mean, obviously if you don't do any improvements you're gonna have the same effect that or the same level that McDonalds has right now for or whatever...so is that the solution then to put that storage left-hand merge lane?

Mr. Schnell: To bring it down this way? I'll—

Chair Ball: Not to bring it down, but just you know...I not worried about someone else's project, I'm worried about your project. Is that gonna solve that poor quality of left-turn lane by adding that lane or?

Mr. Schnell: I could see somebody that wanted to go to McDonalds or go to both Walgreens and McDonalds making this left turn in, and then being able to go to both. I could see that happening.

Chair Ball: Well, the way I understood it was the left-hand turn coming out was the substandard—

Mr. Schnell: So this going out, right? Let me verify that with Phil.

Mr. Rowell: The level of service of traffic coming out of the McDonalds driveway is level of service D which is acceptable for an urban area. Where we had the problem was the left-turn coming out of the Longs driveway which is across the street from McDonalds during the peak hour. Having a two-way left-turn lane will help that left turn. The thing that's hard...well, a lotta people don't understand is that if you're...like Nohokai exit it's one lane right now. You have a left and you have a right, and it operates at a level of service D or F right now or in the future. When you separate that, the left-turn still operates at the low level of service. It's just a low level of service to fewer cars. Makes sense?

Chair Ball: Commissioner Robinson?

Mr. Robinson: Phil?

Mr. Rowell: Sure.

Mr. Robinson: Did you look at a four-way intersection from Longs to the corner of McDonalds and Walgreens?

Mr. Rowell: No, I did not. I left the right-of-way controls as they are.

Mr. Robinson: Well, it's 'cause we're saying that the problem right now is the left-hand turn lane 'cause from Longs it has to go three lanes over to try to get that other lanes going, going Makena.

Mr. Rowell: Actually, only the two lanes because of the two-way left-turn lane acts as a refuge lane.

Mr. Robinson: Two-lane...refuge lane they could pull in there and wait.

Mr. Rowell: And right now—

Mr. Robinson: ...(inaudible)...

Mr. Rowell: —they don't have that.

Mr. Robinson: Thank you.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Tom, this is a question that I've covered it but I'll put it in the reverse way. Could you guys consider putting like a hip roof parapet around the edge of the building to conceal mechanical equipment on the roof?

Mr. Schnell: We have not considered that, but you know, we're open to design issues that will make our building fit in better in Kihei.

Mr. Hedani: I'm thinking that that would give you a more Hawaiian sense of place, and at the same time, cover up any mechanical equipment that might be located on the roof, the air handlers—

Mr. Schnell: Okay, we can look into that.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Well, go back to traffic. That part of South Kihei Road is a mess. I don't know if you're aware because in your traffic study, you're actually missing one traffic light between Azeka Shopping Center makai and mauka. There's actually another traffic light between Lipoa and Piikea. So anybody going on South Kihei Road realize certain times of day or on the weekends it's total mess because you got three traffic light back to back between according to you about 960 feet.

Mr. Schnell: So, you're talking—

Vice-Chair Tsai: Yeah.

Mr. Schnell: Well, there's —

Vice-Chair Tsai: Piikea, just south of Piikea between Piikea and Lipoa right there that's another traffic light going pretty much makai or mauka of Azeka Shopping Center onto South Kihei. So there's three traffic lights there, and also, I'm pretty sure you're aware of the Downtown Kihei project which is just off Piikea. And with that going in, you're gonna have massive amount of traffic going up and down the whole area right there and it's gonna be a real mess. Have you ever looked into that in regards to, well, there's a couple questions. One is with, in reference to the Downtown Kihei project and also what's going on just south of that, and between Piikea and Lipoa?

Mr. Schnell: Phil has an answer.

Mr. Rowell: The Downtown Kihei project the traffic that was generated by that project was included in our forecast. So the traffic from that is included in our future projections along with the improvements that were recommended in that traffic study. Now the reason the intersection at the shopping center was omitted was because that traffic is going in and out of the shopping center is not based on traffic up and down South Kihei Road. And any backups or anything that's caused by that intersection, those signals kinda...I'll say compounds or backs up between those intersections. I didn't wanna get into that because this traffic generated relatively low amounts of traffic. And so the major intersections were included in the analysis. And I don't know if most of you remember there used to be at traffic signal at McDonalds and that traffic signal was removed around 2001, 2002. So we didn't want to get into too...into that level of detail. We wanted just to focus on the section between Lipoa...Piikea, excuse me, Piikea ...(inaudible)...

Vice-Chair Tsai: I do understand what you're saying but I think it's...just like you just said, it's a compounding effect. So anybody going south or north, northbound on South Kihei Road you're gonna get affected.

Mr. Rowell: And we can certainly add that into the next draft.

Vice-Chair Tsai: Thank you.

Chair Ball: Any other questions? Commissioner Hedani?

Mr. Hedani: Tom, I'd like to know the depth to hit the water table?

Mr. Schnell: I think Darren can address that better than I can.

Mr. Unemori: So the soils...Walgreens soils engineer did some test borings on the site. He found the water table at about elevation 2. This was during I...he had done some borings, I think during the winter of 2013 I think it was. So about elevation 2 is what we, we were kind of using as the location of the water table under the site.

Chair Ball: Commissioner Lay?

Mr. Lay: Just an understanding of that water table. I'm assuming that Times Supermarket when you pass by that we've got the ditches right on the side that would be our water table wouldn't it be?

Mr. Unemori: If the ditches are permeable and they can exchange water with the surrounding water table, then you would actually be seeing the water table. So I believe there are 'cause you kinda see 'em as standing water, right?

Mr. Lay: Right.

Mr. Unemori: So I believe that's probably a close representation of what the ground water table looks like.

Mr. Lay: Okay, thank you.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Warren, Warren...

Chair Ball: Darren.

Mr. Robinson: Darren, so we have these photographs of trenching with the water standing in it on Page 30. You have that?

Chair Ball: What section are you in?

Mr. Robinson: It's in the archaeological. It's in the archaeological report. Well, it's page 30 to 44, actually 44 has some...have tables, but I don't see a...

Ms. Cua: Page 44?

Mr. Robinson: Yes. I know this might not be your report, but-

Mr. Unemori: Okay, I think I understand what I'm seeing.

Mr. Lay: Page 38 you see the water.

Mr. Robinson: Yeah, the start it there, yeah, and then it describes it on Page 44, but I'm trying to find a distance. So I see where it says zero, is it zero to one feet? Is that what...are we reading the same height, on the left-hand side of your trench?

Mr. Unemori: You know, I'm not really sure what that is. It might be what you described the depth from surface. But I'm not that familiar with this report, so...

Mr. Robinson: Well, it's...yeah, 'cause what I'm seeing is there's nothing past the foot, everything is under one foot. So I don't know where we'd have the 18 inches that was spoken about earlier.

Mr. Unemori: Sometimes placing the water table off sketches is a little bit difficult because you don't really know where you are on the ground.

Mr. Robinson: So how would we come to a resolution of exactly what the water table is on the site and how, how...wouldn't that be a calculation of what our retention basin is gonna be at?

Mr. Unemori: Pretty much. Yeah, so the...well, I had referenced the soils reports earlier that was done in a similar manner where depths from the surface is measures. Where the bore holes are located. And we know from topographic surveys of the site where the ground is roughly in that location so that's how we estimated the two feet.

Mr. Robinson: Okay, but if the water's flowing naturally towards the catchment and you say this is on the other side, the water's still at one-foot, so I don't know how we could go down and then still be lower and have a lower water table. The water table is one-foot. You know, even if you start at a starting point once you dig down, the water is gonna be there.

Mr. Unemori: Yeah, so-

Mr. Robinson: So I'm saying, I see this trench, and then I hear your core samples and something's not, not equating.

Mr. Unemori: Yeah, the difficulty is knowing what elevation the ground is because depending on where you dig, if you dig in a area that's really low, unusually low, say somebody dug a hole and you dug a hole in it, you're gonna reach the water table sooner than if you picked the high spot and dug down.

Mr. Robinson: Yes, but the water...but water is gonna flow to the lowest spot. So, so if, for instance the east side of your lot is one-foot and your retention basin on the opposite side is at two feet, the water's not gonna flow up, so....

Mr. Unemori: So the water table that I'm describing from the soils report is essentially a...for the purposes of the site, it's level, it's flat. It doesn't slope that much. So...and it does change

seasonally but, you know, because we took it in the wet season we're assuming that's probably on the higher side. But yeah for the purposes of our looking at the site and the depth we can go with the say, a retention basin, that's our basis that the water...that I believe there were like two samples taken, one mauka, makai and both of them basically showed the same elevation for the site. So we presume from experience in that area—

Mr. Robinson: It was show at two feet.

Mr. Unemori: Well, it shown at as a certain depth from ground level which worked out to about two feet. And the soil itself because it's a sandy type of soil, it's the Jaucas sand which is kinda like a dirty sand.

Mr. Robinson: Yeah.

Mr. Unemori: It doesn't have that water retention effect like in clay where, you know, the water table might be down at say, it's at zero but the clay will actually draw the water up. So because it's a sand, it tends to be pretty consistent.

Mr. Robinson: And what was the date of your core testing?

Mr. Unemori: I believe it was done in the later part of 2013 if I'm not mistaken.

Mr. Robinson: I'm trying to get wet months, dry months.

Mr. Unemori: November, I think.

Mr. Robinson: November?

Mr. Unemori: Yeah.

Mr. Robinson: Thank you, Chair.

Mr. Lay: Follow up on that.

Chair Ball: Commissioner Lay?

Mr. Lay: Just to get a better understanding on that, so as far as what you're displacement when you're building this retention area that's gonna the displacement that you're gonna have on your building area, we base it on two feet of digging. When actually we only have one foot because you're hitting water already.

Mr. Unemori: Well, the ground area retention basin is about elevation four, four something. We're assuming the water table will be about elevation two, so you got about two feet.

Mr. Lay: But this is on the lower part of the property, right?

Mr. Unemori: On the lower part of the property.

Mr. Lay: Closer to the ocean?

Mr. Unemori: Yeah.

Mr. Lay: More affected by the high tide, low tide?

Mr. Unemori: Well, the site would be similarly affected, high tide, low tide.

Mr. Lay: Okay.

Chair Ball: Commissioner Hedani?

Mr. Schnell: I know you're the long-term Commissioner on the panel here because—

Mr. Hedani: I don't wanna create problems unnecessarily but it seems like when you try to address the problems related to traffic you create more danger for pedestrians. Adding left-turn lanes makes it wider. So instead of crossing 20 feet of pavement, you're crossing 30 feet of pavement all of a sudden. Adding a left-turn, right-turn lane in the middle of South Kihei Road does the same thing for a crosswalk going mauka, makai. The narrower the streets, the safer it is for pedestrians. The narrower the streets, the more traffic you have backing up for the cars. I don't really care about cars, but I do care about pedestrians. So it's kind of a chicken or the egg situation. And the question that I had was can...well, you've already addressed that I think to some degree, if you eliminate the left-turn lane on Nohokai by eliminating that driveway then that road becomes narrower and safer to cross essentially.

Mr. Schnell: Nohokai Street?

Mr. Hedani: Correct.

Mr. Schnell: Correct, yeah.

Mr. Hedani: Right.

Mr. Schnell: As far as just general comments. I think there's always a balance between you know, keeping traffic flowing and providing, you know, safe environment for pedestrians. If you look on the site now, there are no pedestrian facilities on the property right now.

Mr. Hedani: Right.

Mr. Schnell: So at least we can improve that situation. And there's no crosswalk across from Nohokai across to you know, across South Kihei Road so we can improve that.

Mr. Hedani: At the main entrance off of South Kihei Road you have a three-lane situation where the pedestrian crossing crosses three lanes, can that be reduced to two lanes in order to make it

safer for the pedestrians and still allow your container trucks to come in and out?

Mr. Schnell: So let's look at it on the site plan so I'm clear. So you mean right in this area?

Mr. Hedani: No, not at McDonalds. At the middle of your property.

Mr. Schnell: Oh, here. We need that, we need that left-turn lane to provide all access in here.

Mr. Hedani: No, I'm talking about the exit driveway from the Walgreens.

Mr. Schnell: This exit driveway that would be turning left?

Mr. Hedani: Right. Do you need a left-turn lane or can that be a left-turn, right-turn lane?

Mr. Schnell: Well, this is an entrance come in here for a right-turn entrance.

Mr. Hedani: Right.

Mr. Schnell: This is a left-turn to go this way. And this right, right turn coming down this way.

Mr. Hedani: Right.

Mr. Schnell: So you're saying eliminate one of these?

Mr. Hedani: Correct.

Mr. Schnell: You might have stacking because if the guy that wants to turn left is holding up, you know, people hind him that are wanting to turn right, they could free fall out, you know.

Mr. Hedani: The stacking would still be in the parking lot so there's a lot of room for stacking at that driveway.

Mr. Schnell: That's true. I think that's more of a traffic engineering question so...

Chair Ball: Just remember that we're giving your comments and we're not here to solve the issue today. Maybe for you to just take this comments back, so...

Mr. Schnell: Okay. But just quickly, the architect, Jeff just reminded me that we need a wider area here so that the trucks can make turning movements to come in here.

Mr. Hedani: Okay.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: A follow up to Commissioner Medeiros comment this morning regarding the I guess receiving loading dock. It's on the side that's facing Nohokai Road. And you know, being

a good neighborhood always it seems like with all the trucks having to back in, go out, making a lot of noise, they probably have the beeper or whatever you wanna call the thing, it make more sense to have that on the other side of the building which is facing McDonalds or the southern side which I don't think McDonalds would care, so would that be an option for you guys to consider?

Mr. Schnell: Just a couple thoughts 'cause we actually were talking about this lunch and just to clarify, and I was talking to Lee who is the store manager in Lahaina now, typically they get a big delivery once a week. So it's not constant deliveries of trucks every day in and out. There might be other smaller vehicles that make deliveries. So the amount of deliveries and the amount of trucks is probably gonna be less than people are projecting or think that it would be. If we did do that and if we shifted it down this way then it would have more parking lot up here probably. Maybe that's a tradeoff too. Because maybe there's more activity on a, you know, daily basis on a longer period of time than just having, you know, one or two trucks per week coming in.

Vice-Chair Tsai: So you don't plan to have trucks actually going down Nohokai and making a left-turn into that entrance?

Mr. Schnell: No, all truck movements would come in this way and go around and come out this way. So nothing, no trucks would be coming onto Nohokai.

Chair Ball: Possibly consider that that Nohokai wall, if you will, to eliminate headlights through it also.

Mr. Schnell: Right, so—

Chair Ball: So it doesn't shine on Nohokai residents.

Mr. Schnell: So as part of...if we eliminate this driveway altogether, yeah, we could screen this much better with a wall and plants so there's no impact to the neighbor across the street or minimal.

Chair Ball: Okay. Commissioner Lay?

Mr. Lay: Possibly hedging instead of a wall, you know or a fence, hedging would be nicer.

Chair Ball: Or both. Any other questions? Commissioner Hedani?

Mr. Hedani: Tom, what is the closest bus stop to the location and have you given consideration to a bus stop for the property?

Mr. Schnell: I think I better ask Phil about that one too. I don't think we would be opposed to a bus stop. I don't know how far buses have to be spaced, you know, in between stops too. And I don't know where the...

Mr. Hedani: I'm just looking at a bus stop as an alternative—

Mr. Rowell: ...(inaudible)...

Chair Ball: Hold on, hold on, hold on. Please step to the mic and identify yourself.

Mr. Rowell: The closest bus stop is on Piikea.

Vice-Chair Tsai: Really?

Mr. Rowell: The closest bus stop is on Piikea. It's next to the crosswalk just at Longs Shopping Center. There's a crosswalk there below the driveway.

Mr. Hedani: So it's within convenient walking distance?

Mr. Rowell: Well, the rule of thumb is a quarter-mile or two blocks is the acceptable walking distance. So they're right there.

Mr. Hedani: Less than that. Okay.

Chair Ball: Any other questions? Okay, Ann if you can read back the comments that we have?

Ms. Cua: I'll try. Okay, I started taking what I heard and then I, and then I started grouping them together. So they're not gonna be in any particular order. The majority of the comments that I heard dealt with the design. So what I got, and they may overlap a little bit because some of your later comments actually expanded upon some comments that we had earlier so we'll just, I'll just give it a shot.

The first comment relative to design that I heard was that the building seems too overpowering for the area and doesn't fit the area.

Two, that consider moving the building closer to the street to create a people-friendly streetscape, and possibly incorporate large overhangs within the building.

Three would be, the building as proposed does not reflect the Hawaiian sense of place. Consider revising the design that reflects a Hawaiian sense of place.

Four, consider moving the loading dock to the south side of the building on the McDonalds side.

Five, that all mechanical equipment be screened from public view.

And then six, which this one came later which I think incorporates couple of these is, and this came from Commissioner Hedani, consider including or consider modifying the design to include a hip roof with a parapet to conceal the roof top mechanical equipment.

Then I had a couple comments about drainage. Consider enlarging the drainage basin and incorporating subsurface drainage and permeable parking, permeable pavement within the parking lot. Then there was just a general question how does this project address sea level rise? Regarding traffic, I have consider eliminating access from Nohokai Street, and instead possibly include a wall and dense landscaping to mitigate impacts to the neighbors.

And then I had kinda like a general comment that consider incorporating photo voltaic in the project's design. Did I miss anything or...okay.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Yeah, as part of the screening, for the screen fence that's existing on the western border of the property line...

Chair Ball: Continue.

Vice-Chair Tsai: Having both south scape, landscaping and wall to provide more barrier.

Ms. Cua: Okay, wait, I'm sorry. I...are you talking about, are you talking about this area here?

Vice-Chair Tsai: Yep. Exactly. It's that one and the front top, yeah, and the front top.

Ms. Cua: And here or here?

Vice-Chair Tsai: Yeah, right there, yeah. So as it continues--

Ms. Cua: So here and here?

Vice-Chair Tsai: Yep.

Ms. Cua: Well, okay we talked about--

Chair Ball: Nohokai going...continuing towards the left, if you will. Okay, heading down that property line, heading left again down that property line, heading down, you know.

Vice-Chair Tsai: Yeah, right exactly. Consider having both wall that will offer both a visual and sound barrier and integrating both landscaping perhaps on both sides.

Chair Ball: Also Ann, I think it would be beneficial...

Ms. Cua: That would be north...I'm sorry, that would be northwest--

Chair Ball: Northwest, south.

Ms. Cua: Northwest and south adjoining...joining the residential area, right?

Vice-Chair Tsai: Yeah.

Chair Ball: Bordering the--

Ms. Cua: Which is if I recall, there was a similar comment from the Urban Design Review Board on that. So possible wall and landscaping--

Vice-Chair Tsai: On both sides of the fence.

Chair Ball: Or wall or whatever. Just look into that.

Mr. Lay: Greenery on both sides.

Chair Ball: So it's not nice on their side and then the neighbors get the...(inaudible)...chainlink fence or whatever.

Ms. Cua: Oh okay.

Chair Ball: Also, I would strongly recommend that the applicant talk to the neighbors about some of these ideas that we have that we don't even live in that area. They may not be thinking that same way. Whether they have ideas. They live in the neighborhood. They'd be good people to talk to about certain things. Commissioner Hedani?

Mr. Hedani: Ann, I'd like to see if there's a way that they could prevent the last arrow from going from the drainage retention basin into their neighbor's property, explore a design solution to prevent that from happening.

Ms. Cua: Could you rephrase that again?

Mr. Hedani: You know, if you look at the drainage retention basin and the drainage flow of the site—

Ms. Cua: Right.

Mr. Hedani: From the northeast to the southwest.

Ms. Cua: Right.

Mr. Hedani: I'd like to see if there's an engineering solution to prevent flooding their neighbors lot to the southwest.

Ms. Cua: You're talking about here?

Mr. Hedani: You see the last arrow on the bottom—

Ms. Cua: Here.

Mr. Hedani: —that goes out of the property into their neighbor's yard.

Ms. Cua: Right here.

Mr. Hedani: Right. I'd like to see if there's an exploration of engineering options to prevent that from happening.

Chair Ball: Commissioner Lay?

Mr. Lay: Also on the lighting, if we can have some kind of border around the very back like where there's neighbors are there so they don't have the 24/7 lighting of their backyard?

Ms. Cua: Do you think that would be... 'cause again, you're talking about this area... wait, I'm sorry. But you're talking about here and here, right?

Chair Ball: And up on the top too.

Ms. Cua: So if... so the comment that you made about the landscaping on both sides of a wall here and here, and here, would that—

Mr. Lay: Depends on the height of your lights, right? If your lights are higher than then hedging and bushes then you still got light coming over the top or if even if they can redirect it where it is directed back into the facility instead out at their neighbors, that would help. Anything that can keep the darkness and have their privacy and their nighttime.

Ms. Cua: So how about if we just say, explore options to redirect lighting from the single-family residential neighborhood... away from the single-family, yeah?

Mr. Lay: Yeah.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Ann, looking at this picture, and again, I wanna reiterate... can you go back to that one you just had, sorry? It's going back to the engineering and the water, you see on the left where we have a 4.5? And then at our storm retention pond we have 4.3 and less?

Ms. Cua: Yes.

Mr. Robinson: So again, if they could double check 'cause the data that we have it's less than a foot at the 4.5 area, so I don't know how we're gonna get to two feet when it's two inches less and even lower?

Ms. Cua: So can you help me phrase that please?

Mr. Robinson: Check our map, check our topography, I don't know, I'm not sure.

Chair Ball: Director?

Mr. Spence: We can certainly work on language that somehow it has to reconcile with the photographs in the archaeological report and the depth cited in the engineering report 'cause those two things look different. I would say also, one thing that Commissioner Robinson was getting at was I mean, we're talking about wet season and dry season, the time you need the most capacity is gonna be during the wet season and the ground water may already be up.

Unidentified Speaker: Wet season, high tide.

Mr. Spence: Yeah, wet season, high tide. I don't know if it's gonna fluctuate.

Ms. Cua: So how should...what is the best way to phrase that comment? That the drainage depth numbers coincide with...

Mr. Lay: Well, they said the displacement right? Excuse me.

Mr. Robinson: With the proposed zero displacement.

Ms. Cua: Okay.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Ann, do you have definition for wetland? I thought wetland was if you dig down 18 inches and hit water the land is technically classified as a wetland. Is there any wetland on this site?

Ms. Cua: Okay, I don't, I don't know the technical definition for a wetland. I thought it had to be classified...I thought in order for it to be considered a wetland, it had to be...meet certain criteria by the Feds. That was my understanding.

Chair Ball: Director?

Mr. Spence: Mr. Schnell said that this is not...I mean, he said, when the Army Corps of Engineers goes out to make a wetlands determination does it exist or doesn't they have a whole series of criteria that you have to go through. And that's a study that has to be done by an expert and Mr. Schnell reported that it does not meet that criteria.

Chair Ball: Wasn't there something in here that I read that they had filled the wetlands in at one point and then they got credit for making it somewhere else? I didn't know you could make a wetland somewhere else, but do you have the answer to that?

Mr. Schnell: Yeah, I can address that. Actually can you go to that slide? So yeah, what happened was there's a property up here and I believe in the, maybe in the '90s the property owner filled that site in with gravel to maybe to make that parking lot and he got a violation from the Corps at that time and he went through years of trying to resolve the violation. And the resolution was that he had to purchase a property that was actually a wetland down here and put that into a conservation easement and preserve that wetland as a mitigation measure for filling in the wetland here. So that's the existing condition that it has been filled in and now it's determined not to be a wetland. But this property is being preserved as a wetland as mitigation. And the Corps has since said that the violation has been resolved with this mitigation.

Chair Ball: Commissioner Hedani?

Mr. Hedani: So in point of fact the property was a wetland but it's been replaced by a replacement wetland?

Mr. Schnell: That's my understanding, right. They received a violation and you know, illegal fill basically, but the existing condition is it's been filled in.

Chair Ball: Okay, anyone else? Commissioner Tsai?

Vice-Chair Tsai: This last thing here. In line with Commissioner Hedani's points about the architectural and design and some of the other comments and brought up by the residents as well, I guess asking the applicant to look into the overall height. I know we're looking at 35 feet plus 2 feet of the grade. We're looking at pushing 40 feet tall, and have it not so much in your face. I guess I ask the applicant to look at the overall height and see if they can keep that lower and I think that will be less of a impact on the neighborhood. So if it's possible to reduce that?

Chair Ball: Okay, anyone else? Question for Ann. Do you need a motion from us to designate this Commission as the accepting authority for the FONSI at this time or are we gonna do that later or...

Ms. Cua: Do we normally...I'm sorry, do we normally do that? I think...

Chair Ball: It's on here as a possibility. So I don't know if we wanna do that now or whenever?

Ms. Cua: Yeah, I think that's pretty important, yeah. Yeah, I would think yes. I just assumed you were the accepting authority.

Chair Ball: Okay, yeah I was just reading this.

Ms. Cua: But yeah, I don't think it would hurt to make a formal action. I don't know. Maybe our Corp. Counsel can...

Chair Ball: Corp. Counsel's positive head nod means we should have a motion then. We are the...let's have a motion and a vote to accepting authority for this. So do we have a motion?

Vice-Chair Tsai: So moved.

Mr. Medeiros: Second.

Chair Ball: Moved by Commissioner Tsai, seconded by Commissioner Hedani. All in favor, please say, aye?

Commission Members: Aye.

Chair Ball: Any opposed, say aye.

Mr. Higashi: Aye.

Chair Ball: Commission Higashi is opposed. The motion is carried 6 to 1.

It was moved by Mr. Tsai, seconded by Mr. Hedani, then

VOTED: To Designate Itself as the Accepting Authority of the Final Environmental Assessment.
(Assenting - M. Tsai, W. Hedani, J. Medeiros, I. Lay, S. Duvauchelle, K. Robinson)
(Dissenting - R. Higashi)
(Excused - L. Hudson)

Chair Ball: Okay, so with that, let's go back and...(inaudible)...

Ms. Cua: So, so far I have about approximately 15 comments in the areas of design, drainage, traffic, lighting and just some general comments. So unless, I mean, I can go through them all again.

Chair Ball: No.

Ms. Cua: So then I guess what we would need is a Motion to Accept those as your comments. And I would put a letter together and the applicant would need to address those comments and address that in the Final Environmental Assessment.

Mr. Medeiros: So move.

Mr. Hedani: Second.

Chair Ball: Moved by Medeiros, and seconded by Hedani. All in favor say, aye?

Commission Members: Aye.

Chair Ball: Any opposed? Motion carried unanimously.

It was moved by Mr. Medeiros, seconded by Mr. Hedani, then

VOTED: To Accept the Comments Provided by the Commission Regarding the Draft Environmental Assessment.
(Assenting - J. Medeiros, W. Hedani, I. Lay, M. Tsai, S. Duvauchelle, K. Robinson, R. Higashi)
(Excused - L. Hudson)

Chair Ball: Director?

Mr. Spence: Commissioners, and this is really more a comment for the general public, though I see some of the testifiers have left. Maybe they'll watch on Akaku. But the, this project is gonna come back to Commission a couple of times. First, for the Finding of No Significant Impact that will be

on your agenda, then also a review for the Change in Zoning and for the Special Management Area Permit. So this is not the last time that you will see this. And it's not the last time the public will be able to comment. Then of course, the change in zoning assuming it goes that far, you know, people, you know, the public will have a chance to testify before the County Council as well.

Ms. Cua: Mr. Chair, I have one more question.

Chair Ball: Yes?

Ms. Cua: I think another action you have to take is whether you concur on filing the Draft Environmental Assessment and anticipating a Finding of No Significant Impact Determination with OEQC for publication. If you look at the memo we prepared. There's two things you needed to do. One provide comments which you've done, and then A was the Department is requesting concurrence by the Commission on Filing the Draft EA and anticipated Finding of No Significant Impact Determination with OEQC for publication. So that's, you know, that's definitely an action that we need to deal with.

Chair Ball: I don't view it that way.

Ms. Cua: Oh you don't, okay.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Ann?

Ms. Cua: Oh okay. I didn't....I thought they had to act on that. Okay, maybe I'm wrong. Sorry.

Mr. Hedani: Yeah, I was just gonna say, when the neighbors are under two feet of water and their couches are floating I consider that significant impact.

Chair Ball: The way I read this is that that we can designate ourselves as the authority of the Final Environmental Assessment for anticipated Finding of No Significant Impact and provide comments on the Draft Environmental Assessment is what we did, so...

Ms. Cua: Okay, all right. That's fine. 'Cause we did file it already with OEQC. Okay.

Chair Ball: Yeah.

Ms. Cua: All right.

Chair Ball: Okay. Moving on. We'll take a five-minute break to have the next applicants set up and so we will start again promptly at 2 o'clock. We're in recess.

A recess was called at 1:55 p.m., and the meeting was reconvened at 2:04 p.m.

Chair Ball: Item No. C-2, Victory Development requesting a Draft Environmental Assessment

prepared in support of a Community Plan Amendment for a Multi-Family to Hotel for the Nani Loa Condominium Hotel Project. Director?

Mr. Spence: Mr. Chairman, you are...(inaudible)...

Chair Ball: You're welcome for that.

Mr. Spence: Paul, are you gonna give the introduction first?

Mr. Fasi: Yeah, I guess so.

Mr. Spence: Okay.

Chair Ball: Paul, if you can come to the podium, please?

- 2. VICTORY DEVELOPMENT requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment from Multi-Family to Hotel for the Nani Loa Condominium Hotel project, a 39-unit hotel condominium project and related improvements on approximately 1.438 acres of land at TMK: 3-9-020: 032, Kihei, Island of Maui. (EA 2015/0004) (CPA 2015/0002) (SM1 2015/0004) (P. Fasi)**

The EA trigger is the community plan amendment.

The applicant has also applied for a Special Management Area Use Permit. The public hearing on the Community Plan Amendment and the Special Management Area Use Permit will not be scheduled until after Chapter 343, HRS process has been completed.

Mr. Paul Fasi: Hi, good afternoon Commissioners.

Chair Ball: Good afternoon.

Mr. Fasi: You're here to review this project that is consisting of two building, three and four stories, 35 feet and 45 feet respectively. This has been through the 343 process it's going through right now. We're here to review the draft EA and make comments as you did in the previous project to this. This will follow the exact same pattern of processing whereas you review the draft EA and make comments today. That's first thing. The second thing is you designate yourself as the accepting authority and the comment period, public comment period did expire yesterday on this. So after we take your comments we will formulate the same document as Ann Cua is doing for this project, put it in the Final EA, bring it back before you, finish off the EA process. And then the applicant is gonna come back for a Community Plan Amendment and a Special Management Area Use Permit. So if there are no further questions, I'm gonna turn it over to the applicant, he will take you through the project in more detail.

Chair Ball: Sounds good.

Mr. Fasi: And we are just making comments today and so it will be back two more times before this body. Thank you. I think Jordan Hart's here.

Mr. Jordan Hart: Thank you, Mr. Fasi. Good afternoon, Commissioners. My name is Jordan Hart of Chris Hart & Partners.

Chair Ball: Good afternoon.

Mr. Hart: As stated, this is the Nani Loa Condominium Hotel Project. We're in the Draft EA process here to collect comments. I'm going to try and go a little fast just in recognition of the day that's happened before us today. This is a overview of the presentation which you have. With us today, we have Mr. Greg Walker, who's the owner's representation from Kai Ani Development which is owned by Victory Development. Chris Hart & Partners, landscape, architecture and land use planning. Jordan Hart, I'm here. Raymond Cabebe is the lead planner for the project. David Sereda is the landscape architect. Stacy Otomo is the civil engineer. He's in the gallery today. Phillip Rowell is the traffic engineer, also here in the gallery. Marty Cooper is the architect. I believe that he is not here at this moment.

The trigger for the EA is the community plan amendment. I'll get into that as we go. May 8th was the publication date of the Draft EA with OEQC. This is a location map. The project is located here. This is Kamaole II Beach Park. This is the future north-south collector road here. This is the tax map key. The parcel is here. South Kihei Road is here. This is the perpetual access and utility easement that leads the...provides the project access to South Kihei Road and north is up here.

Aerial photograph, the future north-south collector road, the Aloha Village Project that's anticipated to happen some time in the future. Kihei Kai Nani Project immediately mauka of the project site. The project itself. Kihei Akahi directly to the south and Kihei Banyan.

This is the community plan map. This was previously known as the Kamaole super block. It was basically all Hotel zoned properties and community planned. In '85, it was Hotel zone, community planned. Approximately '98 it was community planned to multi-family. The applicant is requesting to back to Hotel. To back up a little bit further, this project is also actually a final phase of the Kihei Kai Nani Project. It was subdivided off, a easement was provided, and it was not developed until this time it's proposed.

This is oblique aerial photograph. Some of the projects around, Kamaole Shopping Center, Hale Pau Hana, Royal Mauian, Kai Nani Center, Kihei Kai Nani, future north-south collector, project site. These are some photographs from South Kihei Road looking at the project entrance. Kai Nani Center is to the right. This is within the Kihei Kai Nani project looking east, mauka at the project site behind these trees. This is looking the other direction down the driveway, west towards the ocean. This is closer to the project site. The project site is beginning about, in this area here. These are from the mauka side in the undeveloped section. This is looking from the northwest corner here across at Kihei Akahi. This is from, let's see from here, six, this is looking north across the site. This is looking west from the future north-south collector road, one parcel removed over the project site.

The project itself is 39 condo hotel units in two buildings. The north building is three stories. The south building is proposed to be four stories. A mix of two and three-bedroom configurations, 1 to 3.5 bathrooms with lanais. Common elements includes swimming pool, spa, deck, lounge area, barbeque areas, fitness rooms, 83 parking stalls are proposed.

The actions that need to take place. As mentioned the Community Plan Amendment to go from Multi-Family to Hotel approved by the County Council. SMA Permit approved by the Planning Commission. I should back up, the Community Plan Amendment requires comments from the Planning Commission to the Council for decision. And then after that, building permits, grading permits, and so on.

This is the projects architectural site plan. It shows the relationship to the Kihei Kai Nani parking lot area, trash enclosures. This is Building 1, Building 2. Parking occurs underneath the buildings. This is an existing drainage way or gulch that is between the projects. This roundabout was shown in the photos from the parking lot looking mauka. This is an existing box culvert here. Current situation is that storm water runs from mauka through this gulch into the culvert and then sheet flows down the Kihei Kai Nani parking lot, makai. And that's the current existing configuration.

This is the landscape plan for the project. At this time, I'd like to bring up David Sereda, landscape architect for the project.

Mr. David Sereda: Thank you, good afternoon. My name is David Sereda. I'm a landscape architect with Chris Hart & Partners. I'll take you through some of the landscape features. On site, some of the amenities we have are pool and spa here, barbeques with covered seating in two locations here and here. Entry plaza between the two buildings with concrete brick permeable paving as well as two bicycle rack locations, here and here.

While we have a limited area to work within terms of the landscape planting what we did do was keep the drainage ...(inaudible)...gulch area open which left us with some perimeter planting as well as some planting along the edges of the gulch at the top of the bank near the buildings themselves. What we tried to do is create variety in the plant material we chose.

So we chose eight different tree species. The dominant species is the Milo tree which is a climate appropriate native tree which we're using throughout the parking areas as well as in locations here. So there's 16 of the Milo trees. What we've done is thickened up the edges along the top of the gulch as I mentioned to provide some color and some shade for the pool area and create a little bit of visual interest. Along the perimeter we have A`ali`i which is a native shrub which is a native shrub which can get up to about six feet tall to screen the edges around the northeast and south boundary as well as we have another native plant which is Naio and that would be along the west edge and that tree, sorry that shrub can get to about 10 feet tall. We were thinking that would provide some additional visual screening between the properties on this edge.

We're proposing to use 100 percent drip irrigation. So there wouldn't be any spray so that would be quite a significant water saving strategy. And we're also proposing to install the irrigation so that it's R-1 water ready which would mean that it's ready to receive reclaimed water should it be required at some point in the future.

This is a photo of some of the plant material we're proposing. You can see the native Naio, the A`ali`, Ice plant, Ilima, all of these are native plants. In fact, we most of the plants are actually native species. And here are the native tree species that we're thinking of uses. You can see the Milo tree which would be the most frequently used. Thank you.

Mr. Hart: Thank you, David. This is Jordan Hart again. One item I would like to reiterate regarding the landscape plan and that is that the existing gulch in its current condition is gonna remain as it is. The project doesn't propose to touch that area at all. The development will happen on either side of the elevated areas around the gulch.

So this is another oblique photo of the project area and then this shows a superimposed diagram of what the project...like a 3-D of the 2-D model of the project in its location. As stated earlier, it underground or not underground parking, surface level parking with three stories of residential and four stories...sorry, two-stories of residential and three-stories of residential. So three and four-story, but the ground level is parking. Kihei Ekahi is six-story and then Kai Nani is between two and three.

This is a section of the site and it's not as dark as it could be, but what it shows is that this is the elevation in relationship to Kihei Ekahi in relation to the proposed project and the existing Kihei Kai Nani project. And so what this is trying to indicate is that the project is massed and scaled in relation to the existing development that surrounds it on both sides. And then it also gives a expanded view of the access and utility easements. These are sections of the site so you can get elevation concepts of the proposed building. This is Building No. 1. These are the common area elements, pool, shaded area. This is looking from the gulch towards the south side or I'm sorry, towards the north side. East views, west views. Looking south at Building 2 from the gulch, underground...sorry, ground level parking under building here, respective rendering. Looking mauka. This is from mauka looking makai.

Here's the color schemes that are proposed and signage. I should state that we haven't been to Urban Design Review Board. We have met with the Kihei Community Association Design Review Committee received their comments. We have not met with the Kihei...I'm sorry, the Urban Design Review Board yet.

Regarding water, irrigation system will be R-1 ready. There's an existing two-inch meter dedicated to this site. Domestic demand is 21,840 gallons. Sewer capacity is 9,847 gallons per day. The excess capacity of Kihei waste water treatment facility is 1.2 million gallons.

The net increase in storm water runoff is 4.209 cubic feet per second. The post development runoff plus 20 percent, a total of 5.051 cubic feet per second will be contained by subsurface retention on site. The existing runoff, so that is the existing nondeveloped site runoff will be reduced from 1.973 cubic feet per second to 1.131 cubic feet per second after an extra 20 percent is retained.

And then the roadway access to the project is from South Kihei Road via Kihei Kai Nani's access easement. Solar, PV solar is proposed for the rooftops. It is going to be at least adequately sized to power common area elements and anything else that might be possible will depend MECO negotiation. There will be electric vehicle charging station.

This indicates the relationship of the project site as an infill site to the surrounding community of Kihei. These are the amenities and resources that are within walking distance. This is a half-mile circle and so this is Kamalii Elementary School, Maui Medical Group, Kamaole Beach I, Dolphin Plaza, Kamaole Beach Center, Rainbow Mall, Kamaole Shopping Center, Kai Nani Center, Kamaole Beach II, Kam III, the point being that it will be pedestrian friendly development because of its access to existing facilities, existing sidewalk networks, the future north-south collector road which will include sidewalks will be there. I should also state at this time, the applicant has approached the mauka property owner to request access whether it be permanent or construction access for the site. That issue hasn't been resolved, but the applicant has approached their mauka neighbor. Bus stops, there are two bus stops, one to the north, and one to the south. Approximately .2 miles to Kamaole Beach III to the south, and approximately...oh, I'm sorry, .4 miles, and the Kamaole Shopping Center approximately .2 miles to the north.

Water conservation issues were discussed. Energy conservation very similar to all modern projects at this time. High efficiency windows, open corridors, ceiling fans, individual split AC systems, radiant area roof.

Meetings that were conducted. In October of 2014, the project meet with Kihei Kai Nani site manager and board president. Presentation to the Kihei Kai Nani Board occurred also in October 2014. December of 2014, Kihei Kai Nani AOA board president meeting. April 2015, shared the updated plans with Kai Nani site manager and AOA board president of Kihei Kai Nani. May of 2015, KCA Design Review Committee. And in the future we will be meeting with Urban Design Review Board and then we'll have another meeting with all the neighbors within 500 feet. Normally what we try to do is try to schedule that on a regular meeting of the KCA in order to have a joint KCA general membership and neighbor meeting. So those items will be occurring. And so the project is definitely aware that our most concerned neighbor is the Kihei Kai Nani and we've been attempting to maintain open dialogue with them and keep them aware of what's going on.

So far there have been eight agency comment letters received. Responses will be included in the Final EA which will be presented to the Planning Commission. We've received 28 letters or emails from neighbors, 25 of those were from the Kihei Kai Nani. Based on the feedback that we're receiving and the mitigation that we will be proposing in the Final EA, we are anticipating a Finding of No Significant Impact at this time. That pretty much concludes the presentation of the project. Thank you.

Chair Ball: Okay, at this time, we will open it up for public testimony. If you've signed up, I'll call your name and then if I didn't call your name and you'd like to testify you have three minutes and please identify yourself when you come to the microphone.

The following testimony was received at the beginning of the meeting:

Mr. Mike Moran: Good morning.

Chair Ball: Good morning.

Mr. Moran: Aloha Chair Ball and Commissioners.

Chair Ball: Aloha.

Mr. Moran: Mike Moran, President of the Kihei Community Association testifying for KCA on Item C-2 only at this time. Due to limitations on a nonprofit, of our nonprofit, we speak to this issue now since we likely will have to leave before you address this one, but we do plan to testify on the other item at the time addressed by the Commission.

Our association sees routinely proceeding with community plan amendments while there were no corresponding changes concerning transportation and flooding and other infrastructure issues fits that often addressed definition of insanity. Doing the same thing and expecting a different result. Each project claims that they are not adding to the traffic problem when in fact, of course, each does increment by increment. Likewise, each saying we are not adding to the flooding concerns, but this has no value when the Kihei beaches and near shore waters are decimated with the periodic mud floods leaving brown water in Maalaea Bay sometimes for months at a time.

When we look back at filling in wetlands, building in gulches, and eliminating sand dunes we ask did the government not know the damage they were creating or at least allowing or did they just not care? Now we certainly know better, but do we care? Is this project building in a gulch that runs down the middle of the building location, how is this okay? What do we expect will happen? Take a drive along South Kihei Road, and look at this single driveway providing the only egress to this project as it already does to the older, other older, larger ones creating greater traffic jams. After decades, a small segment of the long awaited north-south collector is near completion just mauka of the project, but there's no connectivity to the road even for emergency vehicles. Why? Is this up to the developer or the County government? No one seems responsible so today it is very inconvenient at best for the community and probably dangerous. In a tsunami it can be deadly. Who is looking out for the community? Mahalo.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Anyone else would like to testify at this time may do so? Please identify yourself when you come to the mic.

Ms. Patricia Stillwell: Good morning, my name is—

Chair Ball: Good morning.

Ms. Stillwell: —Patricia Stillwell, and I am speaking as individual. I do happen to be an owner of a vacation rental condominium at Kihei Kai Nani which is just makai of the proposed development by Victory Development. There are a couple glaring things that just seem absolutely wrong with this project and the first one is that it's in a gulch. And as Mike said, when are we gonna learn that building in gulches is not a good idea.

I did send yesterday afternoon, oops, I emailed to Mr. Spence a picture. This is Kihei Kai Nani here, you'll get this in your package. This is the proposed lot that Victory is going to build on. This is the gulch that runs from mauka to makai right through the project, right through the development.

What happens when it rains? As we have witnessed in 2007 and 2011 is that gulch becomes a torrent stream of rapidly flowing water through lot, this lot which we call 1A, through the Kihei Kai

Nani development. And I think you've been sent videos. I know I sent some yesterday to Mr. Spence of the storm waters. It floods the lower units of Kihei Kai Nani. It fills the pool with mud and water, and cars are nearly washed down the driveway into South Kihei Road. South Kihei Road floods, has to be closed off, the beaches at Kam I, II and III which are the most popular beaches in South Maui are closed for days due to the brown water advisories. And that affects not just the immediate people in Kihei Kai Nani, but also all of the condos in the area that are filled with tourists, they can't go to the beach. That doesn't bode well for our economy.

The other thing that's crucial to remember is what happened on the west side at D.T. Fleming Beach where the Mahana Estate Project is being built. When they were doing the grading and infrastructure building all the silt and runoff went into D.T. Fleming Beach in the bay there and that has been closed for months at a time periodically because they can't control the runoff and the silt. I don't know how this project intends to control that, but it's much closer to the beach than the Mahana Estate project. This is a quarter of a mile away. But that's another concern.

The other thing that's of major concern is the only access to this lot is through the narrow driveway of Kihei Kai Nani other than that, it's a landlocked lot. It should not be built upon. Kihei Kai Nani is a very narrow driveway coming off of South Kihei Road. There's parking on both sides, head in parking, which just leaves just a very narrow strip for cars to pass and it's very difficult even to get two cars to go by. How are they gonna build their project through that driveway with their big...big boy trucks, tractors, trailers, everything that size going up and down that driveway and still allow Kihei Kai Nani to be a safe environment with—

Ms. Takayama-Corden: Three minutes.

Ms. Stillwell: —vehicular...that kind of vehicular traffic and where are emergency vehicles gonna go? What if there's a fire? What if someone's life is in danger? How is that gonna work?

In addition, the people that live and visit Kihei Kai Nani Condo Complex have a right to quiet enjoyment. That's not gonna happen. Building could take two years. Trucks through that driveway with the building going on. It's gonna be a financial hardship for people who rent their units in there and(inaudible)...

Chair Ball: Thank you, Patricia.

Ms. Stillwell: —take a long time.

Chair Ball: Thank you.

Ms. Stillwell: You're welcome.

Chair Ball: Any questions for the testifier? Seeing none, thank you.

Mr. Daniel Kanahale: Aloha kakou—

Chair Ball: Aloha.

Mr. Kanahahele: –Chair Ball, and Commissioners. My name is Daniel Kanahahele. I am testifying as an individual this morning. Just a point of a clarification. Do I have three minutes on each agenda item I testify on?

Chair Ball: You have three minutes, yes.

Mr. Kanahahele: Thank you very much. So I'd like to begin my testimony on Item C-2. I am a resident of Kihei. I'm very familiar with the location of this project and many of the concerns expressed by the previous two testifiers are also held by me. My primary concerns are over drainage and traffic. I know the developers are well aware of the problems that are expressed here and it is my hope that the developers of the Nani Loa Condominium Hotel will work with the Kihei Nani Kai Homeowners Association and the other stakeholders in this area to come up with solutions.

The drainage issue is a big concern. I hike a lot of the gulches. I'm a gulch walker in South Maui. I'm very familiar with the gulches. This particular gulch that runs through the project area, the Nani Loa Project area goes mauka of Piilani Highway for several miles, goes under the Piilani Highway, through the Moana Estates Subdivision which surrounds the Kamalii Elementary School, then onto the project area, the Nani Loa Project area, and really the makai leg of the gulch is the parking lot that runs through Kihei Nani Kai. So if you go on YouTube and you just type in Kihei Nani Kai flood, then you will see the flooding that has been filmed by people several times over the past five or six years. The gulch becomes a torrent. You know, it is a gulch, and it's an intermittent gulch, but when it rains hard it will flood and so it is, it should be a big concern. How you're gonna mitigate this? You're building something that's going to be in...in my opinion in a drainageway and there are already developments built in the gulch. So the EA really has to look at how you're gonna mitigate this for all concerned.

This concludes the testimony received at the beginning of the meeting.

Mr. Ball: First up is Carol Eiserloth?

Ms. Carol Eiserloth: Good afternoon.

Chair Ball: Good afternoon.

Ms. Eiserloth: My name is Carol Eiserloth. And have owned in Kihei Kai Nani since 1984. I currently reside there and I serve as the board secretary. We have some questions about this Environmental Assessment. It doesn't seem that are in agreement with what they are presenting.

First of all, what I...what we did is we went through the whole assessment plan and what I wanna do right now very briefly is to quickly run down some of the issues that we see immediately. Number one, there's a conflict between the County zoning designation of H-2 and the Maui Community Plan of 1998 which labels it multi-family housing. Well, Lot 1-A you may or may not realize is a land locked lot. There have been attempts in the past for that to be built on and every, every previous owner has not done it because of the expense in doing it and I'll get into why that is in a minute.

Although for example, the lot...and this from 3-A, No. 3 in their report, although the report claims the property is covered with kiawe, grass and weeds it ignores the fact that more than 20 percent of this 1.43 acre land is landscaped with stunning old growth trees and you'll see some photos of that just shortly and they were planted by the original owner and have been maintained since that time by Kihei Kai Nani. These trees which include golden shower trees and everything else have acted as a landscape buffer all this time. Well, they're all gonna be removed and in place of them we're going to have two buildings which will be a few feet away from the windows of two buildings literally, our bedroom windows will be right next to where their stuff is, 15 feet away. Putting down some low shrubs isn't exactly gonna take care of the problem for people on the second and third floors particularly. The trees by the way also are home for myriads of birds including the Hawaiian owl. So what's gonna happen to all those critters when the trees are taken down?

Going on, No. 3, A-7, the report states that the construction would cause some adverse impacts. Well this is a serious understatement. Because of the easement there'll be 24 months of construction that will have a serious and devastating effect on those who are living or renting at Kihei Kai Nani. The economic impact to the nearly 80 percent of owners who rent their units as vacation rentals may cause some to lose their property. Tearing up of our curbing, 20-foot wide driveway, that's all it is, to install a water line as well as utility lines will limit the use of our driveway. They'll endanger both adults and children. The...(inaudible)...driveway is a walkway to our pool and office and to South Kihei Road and the Kamaole Beaches which are just right a way, across the way, and they'll interfere with our parking as well as our ingress and egress from the property. In addition, we'll have to deal with the noise and dirt generated by construction trucks moving up and down our driveway.

Ms. Takayama-Corden: Three minutes.

Ms. Eiserloth: Well, furthermore the other issue is the damage they're gonna cause to our driveway because even if it's not visual, it's certainly going to be underneath the area. Okay, that's a considerable issue for us.

Chair Ball: Thank you. Any questions for the testifier?

Ms. Eiserloth: I have more. I have a few more items that I'd like to include if I may?

Chair Ball: Hold on. Any questions for the testifier? Commissioner Hedani?

Mr. Hedani: Yeah, Mr. Chairman, because this is the association that controls the easement that these guys are gonna gain access through, I'd like to hear the few more items that she has of concern.

Chair Ball: Is that in a question form?

Mr. Hedani: Can I hear the few more items that she has?

Ms. Eiserloth: Okay, thank you I won't take long.

Chair Ball: Yes, how many more? How much longer?

Ms. Eiserloth: Just three things quickly.

Chair Ball: Okay, thank you.

Ms. Eiserloth: I'm gonna skip some in fact because we have other speakers that are here today. The flooding issue I believe that they...that's gonna be discussed as well as some other issues. So I'll pass all those up and just summarize by saying that we believe that Victory Development is designed to show Nani Loa favorably. However, it omits the profound effect it's gonna have on the owners and renters of Kihei Kai Nani and the community. It misrepresents the landscaping features at the entrance. It ignores the need to bring in a water line tearing up our driveway for an extended period, makes light of the reduction of the storm water intrusion, and it gives a false impression of their traffic impact. Finally, the zoning and the Maui Plan conflict and has not been resolved in a manner that in fact meets the needs of the community. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you

Ms. Eiserloth: Thank you very much.

Chair Ball: Next is Jeff Kern?

Mr. Jeff Kern: Good afternoon Commission Members.

Chair Ball: Good afternoon.

Mr. Kern: My name is Jeff Kern and we live at Kihei Kai Nani and have lived since 2004. We had a vacation rental there since 2000. And we wanna illustrate, we hear a lot about you know, the water and the 50-year plan, the 100-year plan and what we're gonna show is I've got a couple picture I wanna show you and then Cindy's gonna do a video presentation if we can borrow a computer for three minutes, three minutes and ten seconds. And the video will show the runoff into the ocean and the reefs and stuff like that and I'm quickly show you some pictures the best I can on this.

But what the problem starts with is this right here, Piilani Highway, okay, has two culverts that 6-foot, 4-inches. And then the very next road has two culverts that are 8-foot by 5-foot, and all this 100 percent goes down through the subdivisions, and it's hard to see, I wish the pictures were bigger, but what it's showing is the size of the drainage ditches and here's some pictures of the drainage is, how big and wide they are going through the subdivisions before it goes under and across the collector road and then it completely funnels Lot 1A serves as just a big funnel for all this water and 100 percent of this water through these culverts go through Kihei Kai Nani.

Now what it does, when it goes through Kihei Kai Nani, it also, it splits right there at Building 13 behind Moose's and Fred's and Kamaole Shopping Center or the Kai Nani Village and it splits. So half the water goes here to the ditch here that goes underneath right next to Fred's and Moose's, another half or two-thirds depending on the flow goes out to Kihei Road, goes both ways, finds its

way down by Kam II Beach Park and runs through the storm drains and then overwhelms that area. But...so what happens on this is this is 2007, okay, and this shows the overflowing of Lot 1A spilling over above the circle as 2 by 7 ½-foot box drain is completely beyond capacity. Not only this center driveway full of water, but all the parking spaces are full of water and even sidewalk and curbs are completely covered. Okay, and this is the water continuing down. We have a little guard shack for parking just before Kihei Road. This is the same thing, 12/5/2007 and then this is Kihei Road and this is 12/5/2007 and this was taken just a couple of minutes before the police shut the road down from that end.

So what happens is, you can see they ask a 50-year, 100-year plan okay, well here is 1/13/2011, okay, and this is like, you'll see in the video it started...at 6 o'clock we started taking video and it's too dark. And this is like 8:30, 9 o'clock after the rain stopped and the water subsided and you could see Lot 1A is still a river. So I don't know if their ditch there allowing open is that big or not. And then this one shows how much it overflows, the 2 by 7 ½-foot drain, and it completely, the debris just shovels over it. Now this debris is local debris. It's Upcountry debris. It comes all the way up from Kula Hospital, Oprah's land and Ulupalakua. That whole thing comes down here.

Ms. Takayama-Corden: Three minutes.

Mr. Kern: --And that's the issues that were brought up...(inaudible)...we got a big problem and I don't know how they could do it because it's gonna take a lot of money to deal with. There's solutions, but it's huge money.

Chair Ball: Thank you. If you could pass those photos around to the Commission to look at closer?

Mr. Kern: Okay. And then I just have one last one. The pool area, this has happened several times since 2007, and every time we get the debris in there we have to completely drain it, sanitize it and all affected areas because of all the junk and the grey and the brown water. So it costs us about over 5,000 each time. And in the video presentation, we're gonna show, Cindy is gonna show next, we have December 5, 2007, we have 2/21/2010, and we have 1/13/2011.

Chair Ball: All right, thank you. Thank you, Jack. If Cindy will come up, but you can set up, and then I'm gonna call another testifier and just let me know when you're ready?

Mr. Kern: Okay.

Chair Ball: So we can keep this going. Sorry, is there any questions for the testifier, the current testifier? Seeing none, thank you. I'm calling up Pat Hoskin?

Unidentified Speaker: ...(inaudible)...

Chair Ball: You can set up you're...while she's testifying.

Ms. Patricia Hoskin: And I have a hand out.

Chair Ball: Yes, you may pass those hand outs.

Ms. Hoskin: Okay, while she's setting up—

Chair Ball: Yeah, go ahead.

Ms. Hoskin: —I'll show you this picture. Can you hear me? Oh, okay. Aloha—

Chair Ball: Aloha.

Ms. Hoskin: — Planning Commission Members. My name is Patricia Hoskin. I'm a full-time resident owning and living in Unit 163 at Kihei Kai Nani. I wanna point out that 25 percent of the owners are either full-time or part-time. I know some people were saying nobody lives there, but they do.

I'm here to request that you do not grant the developer the change of the Kihei-Makena Community Plan. My east condo wall is 10 feet from Victory's property line. I will be most affected by the light and sound pollution from the cars of the proposed development. At the present moment, we have a wonderful buffer zone which is provided by many mature trees which have been living there since the 1970's. All previous owners have acknowledged our management of this landscape buffer. Mature tree measures are on the hand out and those I measured myself at 4.5 feet from the base which is standard arborists measurement. The photo illustrates the beauty of the existing trees. These trees provide shade, keep down soil erosion and hold back silt which would be going down to the ocean. They also provide a vibrant bird habitat which include, I've observed short-eared owl which is pueo, North Cardinals, Java sparrows, grey francolins, common mynahs, house sparrows, house finches, zebra doves, spotted doves and Japanese white eyes ...(inaudible)... The blossoms of the autograph, rainbow shower, false kamani, monkeypod and hayden mango trees also provide nectar for honey bees. The temperature under these trees have been measured and found to be significantly lower than the Kihei sunshine.

Victory Development's assessment report concludes, and I'm quoting, the proposed project is not anticipated to impact public view corridors and is not anticipated to produce significant adverse impact upon the visual character of the site and the immediately environments. I believe this statement is false, and that removing these trees and replacing them with cement and buildings will affect the view of Haleakala from the county public right of way in addition to changing the physical environment which affects the biodiversity of the area. The view will obviously be changing from beautiful mature trees to one of concrete and buildings.

If I could go on, Ordinance 19.36A.070 requires developers to provide landscaping to mitigate light and sound intrusion. Looking at Victory's proposed plans, 12 percent of all parking spaces have the car headlights directly facing into Unit 163 and 175 of Kihei Kai Nani. I am requesting that the Planning Commission if they approve this development require the developer to put in a wall and proper plants from the Maui County Planting Plan to mitigate lights and sound.

Ms. Takayama-Corden: Three minutes.

Ms. Hoskin: Also the two driveways in the project aim directly into the same two units so whenever a car leaves at night, the car lights will be going right into those two units. There is no way out of

that.

Chair Ball: Thank you.

Ms. Hoskin: Thank you.

Chair Ball: Any questions for the testifier? Commissioner Tsai?

Vice-Chair Tsai: Ma'am I'm sorry, I'd get your name?

Ms. Hoskin: Patricia.

Vice-Chair Tsai: Yeah, hi Patricia.

Ms. Hoskin: Hi.

Vice-Chair Tsai: On a picture again, I'm sorry, Jordan could you hold up just a second, which is the viewing?

Ms. Hoskin: It's viewing from right in front of, sort of in front of my unit and the center turn around where the Fire Department has to turn around its viewing their units So straight back is Lot 1A, so straight back. So they actually technically own the trees, yeah. But we have been maintaining them and enjoy them, yes.

Vice-Chair Tsai: Okay, thank you.

Chair Ball: Any other questions? Seeing none, Cindy Kern are you ready? Okay, go ahead.

Ms. Cindy Kern: Hello, thank you for being patient. I'm only so good with the computer. (she then played a video)... I'm gonna show you our video. This is gonna show you the water flow when it rains, coming down from Lot 1A.

The entryway, the driveway when they're coming in. Kihei Road. This is the police they had to stop the road. If you look on the, on up on top this, the light ...(inaudible)..This is the ocean, the brown runoff. There's all the debris on the beach and just think what it's doing to the reef. Showing you different dates of different rainfalls. This is early in the morning, it's dark but it's just showing you the flow of the water...(inaudible)...Kihei Road. Here's the drainage ditch right across the street from Kamaole II, so from Kihei Kai Nani. And it was already back to normal from the other storm and look at what it's doing to the dunes the force ...(inaudible)...right out of there. I mean, that was filled with sand. I mean, they had to close the beach for like three or four days. There's no way, it's chocolate, anybody could go in. Think what it's doing to the fish and the reef. Public can't use it. It's destroying those dunes look at that. The lifeguards did the best they could to keep the people out of the water.

This is when we had a water main break in the back on the collector road and it's gonna show you...(inaudible)...the water they way it flows... down Lot 1A all the brown water runoff. That was a

freak thing, but look it's still, look at Lot 1A, coming down that's the drain in the middle of the circle where the water's flowing down the middle of Kai Nani. And this is our workers, the water made the dumpsters go. This is next door, the effect on the neighbor's lot. I mean, this is just really unsanitary too, look at that. All the vegetation. Look at the brown water runoff again. These are various dates. These aren't the same date. Most of them are by the rain, but the one is from when the water main busted.

Ms. Takayama-Corden: Three minutes.

Chair Ball: Okay, thank you. Any questions for the testifier? Seeing none, thank you. Can we have the lights up? Carol Ballanger?

Ms. Beth Ballanger: Beth Ballanger.

Chair Ball: Oh, Beth. Thank you.

Ms. Ballanger: Good afternoon, Commissioners.

Chair Ball: Good afternoon.

Ms. Ballanger: My name is Beth Ballanger and I'm a full-time resident at Kihei Kay[sic] Nani and I'm also the president of our AOA. The Environmental Assessment Report presented by Victory Development has been carefully crafted to show the Nani Loa project in a favorable light. It addresses the impact and mitigation effort on a number of points. However, it carefully avoids any mention of the impact on its closest neighbors, the residents of Kihei Kay[sic] Nani.

First I'd like to say the traffic analysis is very misleading in stating that the additional traffic resulting from Nani Loa will have little impact. The entrance to Kihei Kay[sic] Nani is one of the most congested and dangerous spots on South Kihei Road. It also includes an entrance to a parking lot that serves four restaurants that's Fred's, Moose's, 808 and 808 Deli, a gift shop, a bicycle path, a sidewalk and a crosswalk to Kam II Beach all within 90 feet. The photos presented in the traffic report were taken on September 25th when tourism is at its lowest time of year. Yes, their development consists of just 39 units which doesn't sound like a large number. However, given this particular location at South Kihei Road, any increase in traffic will add to the congestion and safety concerns.

Secondly I'd like to out that if the original developer of Kihei Kay[sic] Nani over 45 years ago now knew that if ever wanted to sell that piece of landlocked property it would be necessary to grant an easement through Kihei Kay[sic] Nani to Lot 1A. At that time, a north-south collector road did not exist. But times have changed and that road is near completion now. And I'm sure that accessing Lot 1A from the north-south collector road would be a preferred option for Victory Development as well as the Fire Department. You know, I just don't know how the Fire Department is gonna navigate the circle to get into their property. And obviously it will be preferred by us. However there is a problem in that another piece of land blocks access to the road. I believe the County has an opportunity to take corrective action by the implementation of eminent domain, establishing a right-of-way, conditions of development or whatever means are the County is in a position to implement

in order to help facilitate an arrangement that would be in the best interest of all parties concerned. And it certainly would help minimize the dire consequences to Kihei Kay[sic] Nani owners and residents. Thank you for your time.

Chair Ball: Thank you. Any questions for the testifier? Commissioner Hedani?

Mr. Hedani: Besides not having anything built on the property, what does Kihei Kai Nani...what would Kihei Kai Nani like to see happen in this case?

Ms. Ballanger: In this case, we just don't want them going through the center...you saw how narrow that driveway is. Twenty feet of distance between cars on this side, cars on the other side, 20 feet, and they're gonna have to bring up all the utilities, the sewer, their electrical, everything.

Mr. Hedani: So your main concern at this point is that they provide alternate access?

Ms. Ballanger: Yes, that would be the solution.

Chair Ball: Any other for any...yes, Commissioner Medeiros?

Mr. Medeiros: But didn't you say that they were granted an easement?

Ms. Ballanger: They were granted an easement. The developer owned Kihei Kay[sic] Nani and that piece of property. Apparently at one time he intended to put a building back there, but at some point he realized that wasn't, it just wasn't profitable for him to do it and decided to sell that off even though he'd already developed that back portion of the lot and planted all those beautiful trees and put sidewalks in which owners have always believed it belonged Kihei Kay[sic] Nani when in fact, it really belonged to the Lot 1A development. So I mean, if that developer was here right now, you know, he would be the one that you would want to be, you know, putting the blame on. So the easement was granted. Yes, we'd always...owners bought under the assumption that the development was never going to occur because they couldn't get the rights to the water, but apparently they've gotten, you know, a water meter now. So this is where we're at. You know, they paid \$ 2 ½ million for a piece of property that was by the previous owner, they only paid \$400,000. So obviously it's in their best interest to develop this property. I understand that.

Chair Ball: Commissioner Robinson?

Mr. Robinson: I think it's Kai Nani not Kay Nani.

Ms. Ballanger: Okay, yes I know. You're right.

Mr. Robinson: Did you guys put in a proposal to purchase that lot before it was sold?

Ms. Ballanger: That was before my time.

Mr. Robinson: Oh, before your time?

Ms. Ballanger: No, I don't believe so. I don't know. It was...I've heard discussion that that was proposed, but at the time it was...the owners felt that was just too much money.

Mr. Robinson: Second question. Your units, how many units are there total?

Ms. Ballanger: 180.

Mr. Robinson: I'm sorry, how many buildings, individual building?

Ms. Ballanger: Thirteen buildings.

Mr. Robinson: Thirteen building. Are any of those buildings within 10 feet of each other or 20 feet of each other?

Ms. Ballanger: I don't know, but they don't...there's no parking between them, you know, as far as the distance so you don't have the headlights shining into their bedrooms.

Mr. Robinson: Well, one of the concerns and just real quick is that the distance from their building towards your building. I just want to make sure that none of your buildings are at the same distance than it would be, it will be kind of, you know, my building's okay next to me, but I just don't want your building next to me.

Ms. Ballanger: Right. We're 10, we're 10 feet from the property line and then I understand now there's a 15-foot, so would be a distance of 25 feet.

Mr. Robinson: Twenty-five feet. Thank you.

Chair Ball: Any further questions? Seeing none, thank you for testifying.

Ms. Ballanger: Okay, thank you.

Chair Ball: Susan with Destination Maui or is Susan Destine Maui is that your last name?

Ms. Susan Gregory: Hello, my name's Susan Gregory with Destination Maui. I am speaking on ...as managing agent for Kihei Kai Nani and Kihei Akahi, their neighbor. Not only for the property, but all the properties that Destination Maui manages in Kihei but also for myself as a mother and full-time resident of Kihei I take great pride in the Kihei community. So the speakers before me brought before you the environmental impact including the trees that beautify the community and provide a natural flood barrier, the flooding of Nani Loa that will be increased damaging, you know, the economy, homes, the ocean, the reefs further, damaging...the community will be impacted by increased traffic, numerous safety concerns and overall reducing the quality of life.

Overall, there's not a need for more hotels in Kihei, but there is a desperate need for residential housing and that's why I think that the community is planned that way. We have assisted...desperate need for long-term rental places to live, to support the families and the workers in Kihei. So on behalf of Kihei Kai Nani we ask that you keep the current community plan

designated for multi-family use. Do not decrease the land designated for this purpose. It sets a terrible precedent as it will just trickle onto the next neighbor, and the next neighbor, and the next neighbor that we decided not to designate the land for family use. We don't need any more hotels in Kihei.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, oh seeing one. Commissioner Hedani?

Mr. Hedani: The Kihei Kai Nani has it always flooded down your driveway the way we saw in the video?

Ms. Gregory: Yeah, the flooding is an issue with Kihei Kai Nani.

Mr. Hedani: The project itself has never contemplated putting a drainage system underground to eliminate that problem?

Ms. Gregory: I'm not sure.(inaudible)...Kai Nani?

Mr. Hedani: Right.

Ms. Gregory: No.

Mr. Hedani: Just let it go right through your parking lot.

Ms. Gregory: They have the...their area...the area where the trees are growing to kind of mitigate the flooding that comes down from Lot 1A.

Mr. Hedani: Okay.

Chair Ball: Okay, any further questions? Seeing none, thank you. Ethel Belway?

Ms. Ethel Belway: Good afternoon, Commissioners.

Chair Ball: Good afternoon.

Ms. Belway: My name is Ethel Belway and I have been an owner at Kihei Kai Nani for 34 years. During that time Lot 1A was had three different owners. Each owner has had plans to develop Lot 1A but because of certain difficulties have decided not to develop, but sell. The previous owner decided to sell but before his permit ran out. He was able to present a development package to the new owner, Victory Development. He had to make a couple of improvements, the sewer line. The previous owner had to extend the Kihei Kai Nani sewer line from in front of Building 7 where the original builder ended to the turn around circle. Both the original builder and the previous owner never planned to develop 39 units at the end of Kihei Kai Nani. The sewer line never...the sewer line before it was extended, after 45 years of use we are experiencing age failure of our cast iron piping inside our buildings and we wonder what an additional load of sewage would do to our 45-year-old main sewer line? Proof of the extension can be seen as a white PVC hose sticking up

in the circle.

The water supply. When the original owner subdivided Lot 1A to separate from Kihei Kai Nani property he did not supply a water line or utilities to it for further development. The Nani Loa condo complex that is in the planning stage on Lot 1A of Kihei Kai Nani does not have a water supply to the property. Two previous owners tried to develop the property and decided against it when they found out the difficulty of getting water to the property. Victory Development is now planning to build 39 units with three bedrooms...two to three bedrooms each and two bathrooms plus washers and dryers. The Kai Nani has a 1 ½ inch water meter which is not large enough to share the water supply with the new complex. At times our water system pressure can barely supply the upper buildings of our complex. The previous owner without going to a lot of expense installed a water line to his Lot 1A property. He didn't extend the water line, but he installed a 2-inch extension from the existing County water system and an 8-inch meter and a backflow siphon system and then capped it off. Any perspective buyer looking at this setup would think the property had water system. In order to develop their land, they would have to extend this through our easement to the back of our property from South Kihei Road. Installing this length to lot 1A would cause a lot of disturbance and damage and if it rained like you see on the film it would cause a lotta damage to us.

The original owner gave a perpetual easement in 1972 to any new owner of Lot 1A and the County water line is running down South Kihei Road so it looks like the only way that the new owner could get the line would be to go up our driveway. As it was mentioned, the north-south collector road has been installed and we know there's a water line there because we did have a flood from there when a contractor punched a hole in it.

How will the developer maintain egress to our property for residents and guests while digging a trench to install a water line and utilities? Is the perpetual easement enough...large enough to permit trenching to install a water line? I do not see a report from the Water Department in the Environmental Impact Study about installing a water line to Lot 1A. In the Environmental Impact Study it states that proposed electrical, telephone, cable t.v., and data systems distribution lines will be installed underground from South Kihei Road. I would hope that if and when Kihei Kai Nani's driveway is trenched for the water line all of these utilities would be coordinated with the respective companies to be installed at the same time. This consideration would lessen the impact on the owners of Kai Nani. Trenching the driveway for each of these utilities would put an undue burden for all concerned.

Chair Ball: Thank you, Ethel. Any questions for the testifier? Commissioner Robinson?

Mr. Robinson: I'm sorry, how long have you been at Kihei Kai Nani?

Ms. Belway: Thirty-four years.

Mr. Robinson: Wow. Thirty-four years ago, how was the flooding problem?

Ms. Belway: The same.

Mr. Robinson: Nothing's changed?

Ms. Belway: Well, we've tried many ways to mitigate it by repaving our driveway so that it all runs down into the drain in front of Building 13 instead of all over the property.

Mr. Robinson: Thank you.

Chair Ball: Any other questions? Seeing none, would anyone else like to testify at this time? Please come forward, identify yourself.

Mr. John Longmire: Good afternoon—

Chair Ball: Good afternoon.

Mr. Longmire: —I'm John Longmire. I'm the site manager of the Kihei Kai Nani and I'd like to thank the Planning Commission for your time. So what I represent are the 150 some odd owners that have vacation rentals on the site, and they just had a few concerns.

One is the zoning. So we know it's the super block and we know that everything is H-2 zoned and we know that when Victory Development purchased the property they started paying taxes on that H-2 zoning. But yet there is the community plan that calls for single-family zoning. So our question is how much need is there for single-family rentals or single-family homes in the area versus the vacation rental zoning? We know the only way they can successfully develop this is by changing that zoning. And that's probably why it was on the front page of the Maui News because this will set precedence. If you allow that community plan to be changed, you will see other projects asking for that same consideration especially now with the collector road at the top 'cause that will give access to other land locked projects in the future. So that was our number one concern.

Our number two, and why all the owners talk about the water is that over the years there have been numerous floods and of course, the Kihei Kai Nani was built in basically the runoff zone. The owners have looked at trying to mitigate that water, but the expense has been just way too drastic. You'd have to dig up all the utilities and put in underground drainage ditch. And the problem with that is the County doesn't want the water being changed, the runoff down to the beach and affecting the reef. So you're kinda stuck in the middle there with that one.

So what happened was the last few floods we had, we went to the Department of Public Works and asked for help from them, for them to look at our property, and they did. And what they came back with was there's nothing they can do for us because all of the developments above us, Moana Estates, and everything, the Keonekai area, all of them are in compliance with their water mitigation SMA Permits. What they said was, if they do develop Lot 1A, that as long as they're in compliance with the mitigation permit, that there's nothing that the Department of Public Works can do about the runoff.

What we're really looking for is responsible development. One, the zoning is it necessary? Two, can they help us with the water mitigation? Will that project above us really be able to slow down the flow? When they talk about that box culvert at the top of the property, that thing is so old. If you

look through it, its got rebar hanging, the concrete structure is fractured and I would hope that, you know, responsible development would be to tear that whole thing out and put in some sort of culvert that would, you know, bring the water and try and spread it out. So that's our... that's one of our big problems. There's no doubt that, you know, Victory Development has the best of intentions from what I see, but at the same time, what's the impact gonna be on our property?

If any of you were to walk up our property, we're like a big horse shoe shape. Okay, 13 buildings in a horse shoe and it goes uphill. The center of the property is our driveway and our parking lot. There's not normal sidewalks going through our property. There's stairs and walkways and there's small sidewalks in the front, but what happens is everyone uses the parking lot for the back six buildings to get to their unit. So everyone who's in there, they walk through the center of that parking lot. So what I'm concerned about is during the construction process of dealing with the trucks coming through and the danger of that. So we have a very small staff. Now I have three people during the day, two maintenance and myself, and we have full-time jobs dealing with a 180 units. So what would happen is even if the developer was responsible and hired someone to watch the trucks, we would have to be there to move all the guest cars. Then the guests wouldn't wanna stay in those upper buildings 'cause they couldn't park there and they'd deal with the construction noise. So there's a lot to consider. And our driveway literally, you know, this was back in 1968-

Chair Ball: Thank...John, John thank you.

Mr. Longmire: -okay, sorry.

Chair Ball: Thank you for your testimony.

Mr. Longmire: Sorry. Any questions?

Chair Ball: Any questions for the testifier? Commissioner Tsai?

Vice-Chair Tsai: Yeah, John you mentioned there's a 150 vacation rental owners?

Mr. Longmire: That's, that's about...we have 180 units. We have about maybe 18 of them that are full-time occupied with owners who live on property or long-term renters. The others are those who really don't rent them. They use them themselves in the winter months and it stays empty during the slow season, the summer. So out of the 180, about 150 consistently vacation rental.

Vice-Chair Tsai: So I guess the question is...And I know that area really well, with the entrance to Fred's and-

Mr. Longmire: Yeah.

Vice-Chair Tsai: -you know, right next door, is there a lot of...there's always a lot of traffic issues-

Mr. Longmire: Especially on Taco Tuesday, when Fred's has the special, yeah.

Vice-Chair Tsai: Of course. Is there a lot of residents having to use that and with the traffic from the construction?

Mr. Longmire: There is. So the way our front parking lot is there's two driveways. There is the Kihei Kai Nani driveway, and there's the Kai Nani Shopping Center with Freds. On this side of the entrance of our property those parking spots belong to the shopping center for Freds. So we work with them, and we have a good relationship with them where when it's busy all the people park on that side of the parking lot. So you have in the front there, people coming into our complex, people going to the restaurants, and there is just a little separation of sidewalk there between us. So the crosswalk is right in the center of the two driveways. So it makes for a pretty hectic situation especially the months of December, January, February, you can't make a left-turn out of there.

Vice-Chair Tsai: Thank you.

Mr. Longmire: You're welcome.

Chair Ball: Any further questions? Commissioner Robinson?

Mr. Robinson: Do you have an approximate of what's the last time a unit was sold for inside you—

Mr. Longmire: Average price, last sale was about \$300,000.

Mr. Robinson: Thank you.

Mr. Longmire: You're welcome.

Chair Ball: Any other questions? Seeing none, thank you.

Mr. Longmire: Thank you.

Chair Ball: Okay, at this time, we'll take a short recess.

A recess was called at 3:02 p.m, and the meeting was reconvened at 3:10 p.m.

Vice-Chair Tsai replaced Chair Ball for the remainder of the meeting.

Vice-Chair Tsai: Planning Commission called back to order. We're still at public testimony. So I believe we went through the list already. Is there anybody else in the audience wish to testify? Please come up, identify yourself, you have three minutes.

Ms. Lori Armstrong: Hello, I'm Lori Armstrong. I'm an owner at Kihei Kai Nani. Live off property in Kihei. I've written you two letters and invited one of you to come and stay at our condo for a week to observe during the winter, during whale season to observe the traffic and just the flow of the condo. And I just...they can build what they need to build, I just want them to build it on that new road and not, not wreck our driveway. We all rent our condos a year ahead of time. You know, every year we have the same people, year after year. But one of you, I would...my husband

and I would be more than happy to let you come and see everything for yourself. So that's it.

Vice-Chair Tsai: Thank you. Questions from the Commission? Commissioner Hedani?

Mr. Hedani: Has Kihei Kai Nani ever contemplated acquiring the property?

Ms. Armstrong Pardon me?

Mr. Hedani: Have you folks in the Kihei Kai Nani Condominium ever considered acquiring Lot 1A?

Ms. Armstrong: You know, I don't know. We've been owners for 11 years. We lived there for two years. But I've heard when we bought the place, our real estate person told us, you know, it could happen in the future and we just...but it probably won't. So I'm, I've never been a member of the board or anything so I don't really know. But it's a great place, and I would hate...it's just a gem. It's just small and it's a gem, and I would hate to ruin it, plus it's my 401k. So, thank you.

Vice-Chair Tsai: Thank you. Any other questions from the Commission? Thank you.

Mr. Robinson: I have a question for Carol.

Ms. Eiserloth: You know what, Ethel...Ethel knows...(inaudible-speaking from audience)...

Mr. Spence: Wait ma'am.

Vice-Chair Tsai: Ma'am could you wait before you—

Ms. Eiserloth: I know, okay. Hopefully she can respond to your question, sir.

Mr. Spence: Okay, you need to wait till you get up to the microphone, otherwise, people talk and it comes out on the minutes, inaudible, inaudible and nobody knows.

Ms. Eiserloth: All right, sorry about that. Ethel Belway, who's been an owner for over 34 years can answer the question about the purchase, whether Kai Nani previously attempted to purchase that piece of land. She has the answer for you.

Mr. Robinson: I apologize. I meant to call Ethel.

Ms. Eiserloth: Sorry.

Vice-Chair Tsai: No problem. Commissioner Robinson?

Mr. Robinson: Ethel, I have a question for you, please?

Ms. Ethel Belway: About 25 years ago, we tried to purchase the land but at that time, we were not incorporated and as a condominium complex we could not own land. Since that time we have a condo that's for our manager to live in and we got incorporated so we can own that condo. But then

it was....the land was sold two times after that and we couldn't afford it.

Vice-Chair Tsai: Okay, we're still in public testimony. So anyone else wish to testify? Seeing none, public testimony is closed. I'd like to open up the floor for questions from the Commission? Commissioner Lay?

Mr. Lay: Okay, in our drawings, so we have the two buildings that are separated. What's the distance from one building to the other building with that gulch...for that gulch area?

Mr. Hart: This is Jordan Hart. I don't know that my plans are showing that dimension. We could provide that further. I can provide information for scale that might help with that. We're 30 feet from the makai property line. So that puts the separation between the two buildings and the gulch in context. Each building is 30 feet from the property line on the makai side.

Mr. Lay: Okay, follow up on that?

Vice-Chair Tsai: Yeah, Commissioner Lay?

Mr. Lay: Okay, with your drainage, you're saying it's going to capture all the drainage, in those, your units or your buildings, right?

Mr. Hart: So 100 percent of the post development runoff, so the increase from the undeveloped site to a developed site, 100 percent of that, plus 20 percent, yeah, within the parcel, within the subsurface retention is what's being proposed now.

Mr. Lay: See the only question I have about that is because is that...in that little gully that you're gonna have there, that's your lowest point. So how do you work that one?

Mr. Hart: Sure. Maybe I'll bring up Stacy Otomo to address that more specifically, the civil engineer.

Mr. Stacy Otomo: Good afternoon Chair Tsai and Members of the Planning Commission. My name is Stacy Otomo from Otomo Engineering. To answer question Commissioner Lay, I think Jordan mentioned earlier that the existing drainageway coming through the property is gonna be left untouched. On the site plan you noticed where the buildings are separated there's vertical walls there. We did an analysis as far as the 100-year flow coming through that drainageway. The limits do not breach the walls. So basically the flow would be contained in the existing drainageway left in its natural state. We're not altering that. The areas that we do increase the runoff would be where the buildings and the parking are. And we don't have the luxury of putting retention basins in this property because there's basically no landscaping room. So the idea was to put underground subsurface pipes within the hard surface area and leave the middle of the site untouched. So the areas that would be increase in runoff would be the impervious areas and that's where the drainage will be contained. And obviously those will be higher than the drainageway.

Vice-Chair Tsai: Yes, Commissioner Lay?

Mr. Lay: So your containment areas underneath buildings are...in your different areas is it a containment area for holding water or is it a containment area where you're gonna have it percolate back into the soil and slowly dissipate out?

Mr. Otomo: It's gonna be both. The perforated pipes, you know, store the water and allow it to percolate into the ground.

Mr. Lay: Thank you.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: The video that we saw where the waters are running like a river down, I'm trying to find where the water that got on the driveway where that came from. We a...the water's always been handled by the culvert. Yeah, so is that water that we see, and is it, is that your opinion is that water from just the Kai Nani development itself water that's catching from the side feeding into driveway because the culvert theoretically goes under this right?

Mr. Otomo: Well, let me explain to you what's happening. It's similar to the project that you looked at this morning where the drainageway area goes quite a bit mauka of Piilani Highway. In fact there's about 300 acres in this drainage area. So there's quite a bit of water that comes down as evidenced by the video. So Kihei Kai Nani does put some of runoff that you saw going down the driveway. But in fact what happens is that...and I don't know when this culvert was put in, but the drainage system for Kihei Kai Nani takes water from that drainageway right in the Nani Loa property. The box culvert you see there's an inlet and that circular planter that you saw at the very top of the Kihei Kai Nani, the box culvert actually outlets onto the pavement at that point. So it's not an underground system. It takes the water from the drainageway under that circular planter and it outlets right there onto the pavement. So that's the runoff that you see going down there. It's an existing condition that takes basically all of the mauka water and puts it onto the Kihei Kai Nani driveway.

Mr. Robinson: So what you're saying is the Nani Loa will be okay because all the water is...

Mr. Otomo: Yeah, well we are gonna do more than what the drainage standards call for. Unfortunately the Nani Loa property is less than an acre and a half and when you have a drainage area of over 300 acres it's hard for one little project to mitigate all of the drainage problems that are there.

Mr. Robinson: It shows the hole(inaudible-not speaking into mic)...

Mr. Hedani: That's the outlet.

Mr. Otomo: That's the outlet that you see.

Mr. Robinson: It's working. That's ...(inaudible)... Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Stacy, this is the most unusual hotel property I've ever seen. It has a natural water feature during flood periods running right through middle of it. The question that I have is what would it take to bury the drainage through the property to South Kihei Road?

Mr. Otomo: In my mind is you would have to put an inlet headwall right at the Nani Loa property, put in a substantial box culvert going down the Nani Loa Driveway and somewhere on Kihei, South Kihei Road either going north or south to wherever you can physically put an outlet, but it's...you know all this is gonna end up on the beach somewhere by all of the videos that you saw.

Just to give you a magnitude of what kind of box culvert you would need, in the 1997 Kihei Drainage Master Plan which is a publication that has not been formally adopted but the County uses that as a guideline, the 100-year flow right at Nani Loa is 660 cubic feet per second. Okay, the equivalent culvert size you see on Piilani Highway is two, _____ inch culverts. So you would have to basically take that equivalent and run it down through the Nani Loa driveway, I mean, Kihei Kai Nani driveway, I'm sorry.

Mr. Hedani: Have you folks evaluated that as an option?

Mr. Otomo: We have not because I mean, you know, if it has to be done, we can try and come up with a design and price it, but you know, obviously for like I said, an acre and a half property there's no way they can absorb the cost for something like that. It's a regional drainage issue and an acre and a half property, there's no way they can absorb the cost of that.

Vice-Chair Tsai: Thank you. Commissioner Robinson?

Mr. Robinson: Mr. Hart, where's your folks proposed two-inch water line and sewer gonna be constructed?

Mr. Hart: You know, I might need to bring Stacy back up for that as well, sorry.

Mr. Otomo: Again, I'm not sure on the time line, but when this property was subdivided there's already a sewer lateral into this property from the Kihei Kai Nani project.

Mr. Robinson: Building 9...

Mr. Otomo: Yeah, it comes out. And I think really there's even a manhole in the Nani Loa project. Back in 2004, I believe the owner at that time put in a lateral for a two-inch meter down at South Kihei Road and they ran a two-inch water line all the way up to the property. I have the as built plans right here if you wanna see 'em.

Mr. Robinson: So, so, you're saying that it already exists and you wouldn't have to tear up the driveway?

Unidentified Speakers: ...(inaudible-speaking from the audience)...

Vice-Chair Tsai: Could you please not speak in the audience unless you—

Mr. Otomo: The information we got, the sewer line was surveyed by the topo. We have the as built drawings for the water line that shows the two-inch meter at South Kihei Road with a two-inch water line going all the way up to the property.

Mr. Robinson: So in the plan there is no construction of the driveway itself or any sewer, water, except going to connect to the lateral at Building 9 just—

Mr. Otomo: The driveway was already there.

Mr. Robinson: But what I'm saying is you don't have to tear up the driveway 'cause their concern today was in order to get the...their understanding is, and you know, we can clarify this later, their understanding is that the owner put a two-inch meter at the front and he put faux two-inch meter in the back for the assumption that somebody could think that there's water there and their contention is that there's no water, two-inch water meter under there, but so their concern is because they only have 180 parking stalls that any construction on top of that driveway would displace homeowners from parking there.

Mr. Otomo: Yeah—

Mr. Robinson: So, so if you're stating that you believe that there is a two-inch water line then the only construction that they would have to be concerned about is just connecting to that lateral for the sewer?

Mr. Otomo: They also need. This Nani Loa project would also need a fire line, and my guess is it's either gonna be 8 or 12-inch, so that has to be brought in from South Kihei Road or the north-south collector road. And the electrical, telephone, and cable T.V. systems would have to be brought in underground potentially from South Kihei Road as well.

Mr. Robinson: Is there any room behind the buildings instead of...again, is the idea that the driveway is gonna be the place for these utilities no matter what the utilities are?

Mr. Otomo: That's where the legal easement is for the access and utilities. So we would have to come in through that corridor.

Vice-Chair Tsai: Go ahead.

Mr. Robinson: Mr. Hart, when you met with the Kai Nani Board—

Mr. Hart: I need to clarify, Jordan Hart, Chris Hart & Partners, Victory Development, Kai Ani Development met with the board specifically.

Mr. Robinson: Oh, okay.

Mr. Hart: So that will Greg Walker can speak on behalf of that.

Mr. Robinson: Mr. Walker, okay.

Mr. Greg Walker: Good afternoon, Greg Walker with Victory Development.

Mr. Robinson: Aloha Mr. Walker, thank you. In your discussions with the Kai Nani Board and of course, the concerns that they're talking about with the easement, has there been any discussion about the location of the proposed utility lines on the easement? And furthermore has there been any discussions since I did hear today that their water pressure is low, their sewer line outdated that they might be able to piggyback on what you guys are doing and one thing that might...is a problem might become actually a positive.

Mr. Walker: Yes sir, that's actually our goal is to work with the board and we've...we have met with the entire board one time and then individual people on different times. But whatever utilities that we need to have go down to South Kihei Road. We're not interested in hooking up to a 45-year-old line like somebody had mentioned earlier and then having a problem down the road. We would rather go down and make it all fresh and make sure it's done correctly. And if there's any benefit that we can work with the board and improve their situation, we would definitely look at those options. And we'd also work with the board to mitigate the parking situation and make sure that we do, you know, the least impact as possible, you know, like building a section at a time or something like that. We'd come up with a plan.

Vice-Chair Tsai: And just a note, for everyone to keep in order, I asked the audience please not to speak unless you're being called on by the Commission to come up to the podium. We got to record everything for transcription purposes anyway, so thank you. Commissioner Duvauchelle?

Ms. Duvauchelle: I don't know if this is for Jordan or Mr. Walker. But as far as construction access or during the time of construction. You mention that you've tried to talk to the adjoining homeowner and/or the old Aloha Village parcel might also give you an access?

Mr. Walker: Yeah, actually I have spoken to the owner of the Aloha Village parcel. I'm very acquainted with him and have a good dialogue with him and he's giving me a verbal okay to do that. We're not at the point where we need to do something in writing yet or you know, because obviously you have to get through this process, but that is our intention. Again, we don't want to have a impact or a minimal impact on their community especially with large trucks and construction trucks on a daily business.

Ms. Duvauchelle: Thank you.

Vice-Chair Tsai: Commissioner Higashi?

Mr. Higashi: In order to get to your proposed site that you're gonna be developing is that access road the same road that the people are using now for parking, et cetera?

Mr. Walker: Yes sir, the permanent access, yes. That is where the easement is, sir.

Mr. Higashi: And so the size of the vehicle that you'll be taking up this road would it be wide enough to take care of the parking spaces as well for the tenants that are already there below?

Mr. Walker: Are you referring to regular privately owned vehicles?

Mr. Higashi: Right.

Mr. Walker: Yes. It wouldn't be any different than them parking in their upper stalls. You know, our people would just go a little farther in the parking areas.

Mr. Higashi: Will you have a large trailer type vehicles going up that particular road? Is that like 20 feet wide up to the construction site?

Mr. Walker: Are you talking about during construction?

Mr. Higashi: Yes.

Mr. Walker: Yes, we will. But again, our intention is to create an agreement with the landowner adjacent to be able to utilize that area and not go through their property, but again, we need to sort all those items out. But that is our intention is to, you know, the—

Mr. Higashi: That hasn't been discussed yet?

Mr. Walker: No, because we're not to that, we're not to that point yet, but... Oh, yeah, I did discuss with the owners verbally, but we haven't got anything in writing yet.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: Mr. Walker, on that note have you had any light discussions with a possible utility line through that same neighbor while he doesn't have any infrastructure?

Mr. Walker: I have not at this point, but we're open to different ideas.

Mr. Robinson: Have you also thought to help mitigate the effect of Kihei Kai Nani that you may, folks may develop a temporary parking lot on your site while you then do the utilities first so that way they could park while you're doing the utilities and after the utilities set then maybe continue on with your project?

Mr. Walker: That is an idea. Of course, we would have to be concerned with OSHA standards in construction, heavy construction site area and bringing in civilian people to that site. That would probably be an issue, but...

Mr. Robinson: What if...and that is a great point. I guess what I'm saying is you wouldn't have any buildings you would just do the grading first, you know have a small lot, throw some gravel it to where they could then, you know, as you do that section a dozen cars could park there, you know, and then after that you would then...I guess what I'm trying to say, maybe that's another idea. We're not trying to solve it, but it's another idea to help, help the offset of the...of that?

Mr. Walker: We're definitely open to ideas but, Jordan—

Mr. Robinson: Thank you.

Mr. Hart: Jordan Hart, Chris Hart & Partners. What I was going to say is that we can prepare a construction phase plan as part of...maybe prior to the SMA Permit or building permit issuance to be reviewed and approved by the Planning Department in context of basically organizing circulation and basically anticipated impacts from construction phase.

Mr. Robinson: I was thinking more of with Kihei Kai than with us.

Mr. Hart: That's fine. Yeah, absolutely.

Vice-Chair Tsai: Ma'am, I missed your name, the president of the AOA, would you like to come up and speak to the items we just discussion since you raised your hand?

Ms. Beth Ballanger: I'm Beth Ballanger. And what I, what I raised my hand in regard to was the 2-inch, the water line that they believe currently is theirs. We have enough owners and Ethel Belway could probably better address this than myself, but from what I understand there is a 2-inch meter and then it goes to a point and it's capped off, the line is capped off at the front of the property. It does not already go through, all the way through to the end of the property. And I don't know when that could have possibly been constructed because we have someone that's been here you know for 34 years and she's a former president of the homeowner's association. So Ethel would be well aware of whether that line ever was constructed.

Vice-Chair Tsai: Okay, thank you. Any other questions from the Commission?
Commissioner Robinson?

Mr. Robinson: Carol, Christmas Carol could I speak to you please?

Ms. Carol Eiserloth: Hi.

Mr. Robinson: Thank you for coming up.

Ms. Eiserloth: Carol Eiserloth.

Mr. Robinson: Carol, I saw a drawing of your parking spaces and I noticed on the drawing on the top around the roundabout compared to the new drawings of the Victory and your guys current parking stalls that there is a negative impact of five or six stalls that are gonna occur?

Ms. Eiserloth: Yes, that's correct.

Mr. Robinson: And I wanted to, I wanna say, one if you had that drawing to where you could show, and two, I just want to see if you could confirm that? Are you gonna pass that around?

Ms. Eiserloth: Sure. I'd be happy to do that.

Mr. Robinson: Thank you.

Mr. Spence: Ma'am we can't...

Vice-Chair Tsai: Ma'am you've got to-

Mr. Spence: Anything but-

Mr. Robinson: Okay, I'm sorry.

Ms. Eiserloth: The area that's impacted in particular is next to Building 9 which is the rear most unit that will be next to the four-story structure that they wanna put in. And about five parking spaces there will be completely impacted because the only way that we'd be able to use those parking spaces is literally by going on the Lot1A property to do that.

Vice-Chair Tsai: Thank you. Yeah, Director?

Mr. Spence: Commissioners, what I'd really like to see at this point is bring it up to a 10,000 foot level. We're just...we're at the EA stage. We're trying to determine...what you're asking for is comments on the Draft Environmental Assessment and I mean, there's obviously questions with the Commissioners regarding construction impacts, drainage, those kinds of things, if we can leave it on that kinda level that would be better at this point. We're going to get...you're going to see a Community Plan Amendment application, Change in Zoning application, and ultimately you're gonna see a Special Management Area application. So especially at the SMA level is where we're going to get into this particular level of, you know, which parking stalls are gonna be impacted, those kinds of things and hopefully the applicant will have all those things worked out by then. That will be minimally a year from now when it will come back. So there's gonna be a whole lot of time for the applicant to work with the neighbors and I'm also thinking a little bit about the time. So if the Commissioners have things you wanna see addressed in the Draft EA that's the gonna be best thing to focus on at this point not particular which stalls and that level of detail.

Vice-Chair Tsai: Thank you, Director. Commissioner Robinson?

Mr. Robinson: Director, I apologize.

Mr. Spence: Oh no-

Mr. Robinson: My question was more of there's 180 stalls for a 180 units, so if they're gonna permanently lose stalls is that still...is that legal or whatever the word is for it if you don't have a stalls for every unit all of a sudden?

Mr. Spence: Okay, we'll have to deal with that.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: Jordan, I'm looking at Figure 9.1 and across the top of the property, the mauka side of the property, it shows the property line, but it also shows what looks like a roadway running across the entire mauka boundary of the property. Was that at one point contemplated to be the

north-south collector road or what is that?

Mr. Hart: I believe that represents a setback line.

Mr. Hedani: There's a setback line?

Mr. Hart: Yeah, the dashed line that runs along the east boundary.

Mr. Hedani: Okay, so that was never contemplated to be a roadway at some point?

Mr. Hart: No, but if you...if we could go back to...one second, please.

Mr. Hedani: That ties into the corner of the property and it says future access.

Mr. Hart: Oh...I follow you now. So the back way up. This project was presented approximately six years ago. So we went up to this point that we're at now, and the economy got to a point where it wasn't feasible to continue. However...so we've been through a lot of these...we're completely aware of all the discussion that's going on right now. The access has been proposed and requested of the mauka owner, and so basically at the request of the former planner at that time for the County of Maui, Colleen Suyama, we indicated the intent, you know, proposal for future access mauka and that's what that represents. So that's basically the applicant's intent to pursue permission to access north-south collector road.

Mr. Hedani: So that's something that you folks are still considering?

Mr. Hart: Yes, and that is also part of the communication that Victory Development has had with the mauka property owner.

Vice-Chair Tsai: I have a follow up question here. Looking at Figure 9.11 in regards to the access. Is the applicant want to look at alternative ways for it to be during construction in...you know, courtesy to all the residents somehow getting the construction equipment in and out utilizing the future north-south collector road. Looks like you can get construction equipment--

Mr. Hart: Absolutely. The only thing we can't do right now is guarantee you that that owner will give them permission to access the property from that way, but they are pursuing it and they're aware of how many people would be relieved to have them have that access. So that's a primary goal.

Vice-Chair Tsai: Yeah, we'd like to see that. Thank you.

Vice-Chair Tsai: Any other question from the Commission? Commissioner Hedani?

Mr. Hedani: With 600 acres, I guess 300 or 600 acres feeding it--

Unidentified Speaker: I believe he said 300.

Mr. Hedani: --300 acres I think are feeding into the drainage problem, you know, when I look at the

surrounding properties, it doesn't look like that's the contributing area yeah because there are subdivisions which exist all the way up and down the mauka portion of the property. It's coming through all of those properties underground and then day lighting at this property?

Mr. Hart: No, it's on the surface all the way. If you recall, you were shown photos of the culvert at Piilani Highway. So it's on the surface as high at that area and it's coming all the way down. And so that's you know—

Mr. Hedani: So it just follows the natural gulch?

Mr. Hart: Right, and so only right at the box culvert, so basically there's the gulch...I'm not sure if we have a good picture of it, but I'll try and find something, there's...basically the property is shaped like a swale...here we go...so the water's coming from roughly mauka and it's running this way, and then it will hit the box...like a headwall, that's the box culvert and it will come out on the surface of the parking lot once it reaches the level to go in and go over, it does that.

Mr. Hedani: Just for my purposes of understanding if there could be some kind of a graphic that shows where that drainageway runs through all of those properties?

Mr. Hart: Sure, yeah.

Mr. Hedani: I'd appreciate it. I also think this if this built at the time they check in for the hotel, you should issue life vests during the winter season.

Vice-Chair Tsai: Any more questions from the Commission? Seeing none, I guess there's no recommendation from the Department. We're just...so I guess we can...I'm looking for a motion to have this Commission designated as the accepting authority for the Final EA.

Mr. Medeiros: So moved.

Ms. Duvauchelle: Second.

Vice-Chair Tsai: Moved by Commissioner Medeiros and second by Commissioner Duvauchelle. Comment?

Mr. Hedani: Not on the motion. But for the applicant, I'd just like to see if there are alternative means of handling the drainage that can be displaced when it comes back.

Vice-Chair Tsai: Yeah, so we're gonna go over that list with Paul. Thank you. So we have a motion to designate this Commission as the accepting authority for the Final EA. Let's vote. All in favor say, aye?

Commission Members: Aye.

Vice-Chair Tsai: Opposed? Hearing none, motion passed.

It was moved by Mr. Medeiros, seconded by Ms. Duvauchelle, then

**VOTED: To Designate Itself as the Accepting Authority of the Final Environmental Assessment.
(Assenting - J. Medeiros, S. Duvauchelle, I. Lay, W. Hedani,
K. Robinson, R. Higashi)
(Excused - L. Hudson, K. Ball)**

Vice-Chair Tsai: So Paul, do you have a list of all the concerns?

Mr. Fasi: Yes, thank you. So what I have recorded so far from the Planning Commission, your comments to be included in the Final EA are the utilities via the easement that the developer will work with the AOAO or work with an adjacent property owner to provide an alternate access route for the utilities. And the second one I have is secure and pursue mauka access for the construction period and/or a permanent access for the development of the site and permanent use of the site. The third one is to show a drawing of the drainageway through the residential area that lies east of the site so we can see the water flow and where it enters and where it exits. Those are the three comments that I have from the Planning Commission so far.

Mr. Spence: I have a-

Vice-Chair Tsai: Director?

Mr. Spence: Thank you, Mr. Chairman. And I'm sorry, I haven't personally looked at the EA, but it sounds like there's a lot of concern over construction impacts, how are those things gonna be dealt with, what kind of BMPs you would include. Also, there was a concern about the mature trees that are currently, apparently on your property and what's gonna happen to those. Looks like really good field stock that could be reused somewhere.

Mr. Fasi: So what I have as four and five. Thank you, Director. What BMPs will be implemented to mitigate the construction impacts. The fifth one, the mature growth trees and how will those be addressed.

Vice-Chair Tsai: Commissioner Robinson?

Mr. Robinson: Mr. Fasi, I'm also seen...I'd also like to see a better depiction of the correlation between the project and the current Kihei Kai Nani building and the distances that's gonna be involved. And the concern Kihei Kai Nani had regarding lights, lighting. There was no...I didn't see any lighting studies done on this and if we could see that too.

Mr. Fasi: So six, we have...you wanna see a graphic that shows the distance between the buildings...the new buildings and in relation to the existing Kihei Kai Nani buildings?

Mr. Robinson: Yes, and if possible, more of an actual picture of is it balcony-balconies and the wall.

Mr. Fasi: You want a picture, an actual picture?

Mr. Robinson: No, if it could be a...if you could show balconies, instead of just a line saying here's this building and here's that building...like you know, is it a balcony facing a balcony? Is it a side a wall facing a balcony? A depiction of it would work.

Mr. Fasi: Well, okay, a graphic design of the distance just so you know what's facing what. And Number seven, the lighting that's being proposed for the project and as I said, the projects still needs...as it was mentioned earlier by Jordan that project still needs to go through UDRB. So before it comes back for the FEA we'll have the UDRB comments secured.

Mr. Lay: One more Hedani was—

Vice-Chair Tsai: Commissioner Lay?

Mr. Lay: Mr. Hedani's, Commissioner Hedani's request that maybe a topographical map of the water flow that goes down that, through that gulch area.

Mr. Fasi: Correct. Is that the same request Commissioner Hedani had? Okay, thank you.

Vice-Chair Tsai: And Paul, maybe as part of the...Commissioner Robinson's request and the residents I assume you're gonna have proper barrier, dust fence between...during construction. We want to see the adequate protection for the residents in Kai Nani during construction.

Mr. Fasi: I believe that it was covered under Number four when the Director requested what BMPs are gonna be implemented to mitigate the construction impacts.

Vice-Chair Tsai: Correct.

Mr. Fasi: Thank you.

Vice-Chair Tsai: Commissioner Hedani?

Mr. Hedani: One other thought Paul, if they could look at if there's any way to improve the quality of the water flowing through the site. You know, some of the pictures that we saw showed very large branches coming down from the mauka side. I don't know if there's a way to intercept some of that stuff and keep it from just passing through the site all the way through the driveway of Kihei Kai Nani that would be step in the right direction I think.

Mr. Fasi: So noted. Thank you.

Vice-Chair Tsai: Any other comments? All right, thank you, Paul.

Mr. Fasi: Thank you.

Vice-Chair Tsai: Let's take a quick five-minute break.

A recess was called at 3:50 p.m., and the meeting was reconvened at 3:57 p.m.

Vice-Chair Tsai: Call the Planning Commission back to order.

Mr. Spence: Commissioners, here we are on Item D, D-1 actually. This is for the Maui Demolition & Construction Landfill, Inc., at Puuhele. What we're doing is asking you to review and adopt the Decision and Order. We aren't signing today. There's a couple of questions that we have for Corporation Counsel, but for the Commissioners who were at the meeting to review. Kurt?

D. ADOPTION OF WRITTEN DECISION AND ORDER

- 1. MAUI DEMOLITION & CONSTRUCTION LANDFILL, INC. AT PUUHELE requesting a Declaratory Ruling regarding final closure elevations for the Maui Demolition and Construction Landfill on approximately 14.8 acres of land zoned agriculture located at TMK: 3-8-005: 002 (por.), Puuhele, Maalaea, Island of Maui. (DR-2015/0001) (SUP2 1998/0005) (K. Wollenhaupt)**

The Commission took action on this request at its March 10, 2015 meeting.

Mr. Kurt Wollenhaupt: Oh, good afternoon. Good afternoon, Members of the Maui Planning Commission. Today's matter is to memorialize the Findings of Fact, Conclusions of Law and Decision and Order on the affirmative vote that you granted for the declaratory ruling on March 10, 2015 which was a unanimous vote in favor of the recommendation and it was to allow that the landfill shall have a finished closing height of 176 feet above mean sea level, and the subject of the final closure plan that was noted as Exhibit A in the decision and order. Once this decision and order if it is approved in agreement by the Members that were there at that meeting it can then be memorialized and then sent off to the Department of Health for final confirmation of the closing heights are and we can get this issue buttoned up. So the attorney Mr. Paul Horikawa is here, who is their representative and so it's a matter of being in agreement or not for the decision and order that was in your packet.

Mr. Medeiros: I move to approve.

Mr. Hedani: Second.

Vice-Chair Tsai: Okay, we have a motion moved by Commissioner Medeiros, seconded by Commissioner Hedani. We have discussion?

Mr. Robinson: I have a question? I'm not involved in this, right? Because you guys already voted?

Vice-Chair Tsai: You weren't there, yeah.

Mr. Spence: Okay, so we need five of the Members...(inaudible)...

Vice-Chair Tsai: So we have a motion on the floor to adopt and allow Director to sign.

Mr. Spence: As you adopt it we'll do a couple little formatting changes and not content at all and we'll get it back to you for signature. So it's just the Members who were present at that meeting.

Vice-Chair Tsai: Okay, let's vote on that. All in favor? Okay, excuse me. Corp. Counsel?

Mr. Ed Kushi: Mr. Chair, sorry, excuse me, just for clarification if you approve the findings as submitted then you would also authorize the Chair which Mr. Ball is not here to sign off on behalf of the Commission then all of you don't have to sign. I don't know why you do every time.

Vice-Chair Tsai: So we have a motion on the floor to adopt. All in favor by raising your hand. Three, four, five.

Mr. Spence: That's five ayes.

Vice-Chair Tsai: It passes.

Mr. Wollenhaupt: Thank you.

It was moved by Mr. Medeiros, seconded by Mr. Hedani, then

**VOTED: To Adopt the Proposed Written Decision and Order, as Submitted and Authorize the Chair to Sign.
(Assenting - J. Medeiros, W. Hedani, I. Lay, S. Duvauchelle, M. Tsai)
(Excused - L. Hudson, K. Ball, K. Robinson)**

Vice-Chair Tsai: All right next item. Next item Director?

Mr. Spence: The acceptance of the regular minutes of May 12, 2015.

E. ACCEPTANCE OF THE REGULAR MINUTES OF THE MAY 12, 2015 MEETING

Mr. Hedani: So move.

Vice-Chair Tsai: Moved by Commissioner Hedani.

Mr. Medeiros: Second.

Vice-Chair Tsai: Second by Commissioner Medeiros. All in favor say, aye?

Commission Members: Aye.

Vice-Chair Tsai: Opposed? None.

It was moved by Mr. Hedani, seconded by Mr. Medeiros, then

**VOTED: To Accept the Regular Minutes of the May 12, 2015 Meeting.
(Assenting - W. Hedani, J. Medeiros, I. Lay, S. Duvauchelle,
K. Robinson, R. Higashi)
(Excused - L. Hudson, K. Ball)**

Vice-Chair Tsai: Next item?

Mr. Spence: Commissioners, you've received the SMA Minor Permit Report and the SMA Exemption Report and those are for your information and by your rules you're supposed to acknowledge them.

F. DIRECTOR'S REPORT

- 1. SMA Minor Permit Report (Appendix A)**
- 2. SMA Exemption Report (Appendix B)**

Mr. Robinson: I did not get them.

Mr. Spence: You did.

Mr. Robinson: No, I have not.

Mr. Spence: Okay, I can give you mine. If you have any questions—

Mr. Hedani: Move to accept.

Mr. Spence: —you get with us.

Vice-Chair Tsai: Move to accept by Commissioner Hedani.

Mr. Medeiros: Second.

Vice-Chair Tsai: Second by Commissioner Medeiros. All in favor, aye?

Commission Members: Aye.

It was moved by Mr. Hedani, seconded by Mr. Medeiros, then

VOTED: To Accept SMA Minor and SMA Exemption Reports.
(Assenting - W. Hedani, J. Medeiros, I. Lay, S. Duvauchelle,
K. Robinson, R. Higashi)
(Excused - L. Hudson, K. Ball)

- 3. Discussion of Future Maui Planning Commission Agendas**
 - a. June 23, 2015 meeting agenda items**

Mr. Spence: Okay, future meetings. The next meeting is June 23rd. Commissioners, you have two public hearing items. One is Ms. Dee Coyle of KBHL, LLC requesting an SMA Permit for the redevelopment of the Plantation Inn. The second one is Ms. Maria Ines Hernandez Magnani, I

apologize if I don't do that right, requesting a Land Use Commission Special Use Permit for a vacation rental in Haiku. You have Unfinished Business for the Newport Hospital Corporation requesting applications for West Maui Hospital Medical Center. It's a Phase 2 Project District Approval. So it went through the Commission, I mean, excuse me to the Council. The Phase 1 was approved. We're up to the Phase 2, and that's it.

G. NEXT REGULAR MEETING DATE: June 23, 2015

Vice-Chair Tsai: All right, next meeting is June 23rd. Right now it's 4:03 p.m. Thank you everybody, meeting...Commissioner Medeiros?

Mr. Medeiros: Go Warriors.

Vice-Chair Tsai: Meeting adjourned.

H. ADJOURNMENT

The meeting was adjourned at approximately 4:03 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Chair (excused at 3:03 p.m.)
Sandy Duvauchelle
Wayne Hedani
Richard Higashi
Ivan Lay
Jason Medeiros
Keaka Robinson
Max Tsai, Vice-Chair (in attendance at 10:26 a.m.)

Excused

Larry Hudson

Others

Will Spence, Director, Planning Department
Ed Kushi, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works