

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MARCH 22, 2016**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keone Ball at approximately 9:05 a.m., Tuesday, March 22, 2016, 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: Good morning everyone. Welcome to the March 22, 2016 meeting of the Planning Commission, Maui Planning Commission. We do have a quorum and we will at this time take public testimony. I'm not sure if someone signed in over there.

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: If you'd like to testify at this time you may do so. You have three minutes. If you testify now you will not be able to testify on the item when it comes up on the agenda. Please identify yourself.

Mr. Mike Moran: I'm Mike Moran speaking for the Kihei Community Association. Aloha Chair Ball and Commissioner Lay. The KCA thanks you for your five years of dedicated volunteer service to the community via this Commission and wishes you both well.

As our parting gift KCA will testify on three items this morning lest you forget us. Just one now in early testimony on Item D-1. Commissioners when you're asked to consider an SMA I think everyone assumes that you base it on current conditions. So on Item D-1 in principle we are against this. Having the Director's unilateral approval of a two-year extension of an SMA Permit to initiate construction on a subdivision. We believe commissioners should hear the SMA Permit request again and make an informed decision if an extension should be granted as much has changed in the area since the initial granting of the permit. If not ready to commence construction after all this time the process should start over the specific deadline was imposed by the Commission for a reason not just to be automatically extended upon request after request. It seems an extension was granted in 2012 that we located and expect there were others. It seems the original SMA Permit approval is about seven or eight years old and now they're going for ten years. We believe it's time for an updated one. Mahalo.

Chair Ball: Thank you.

Mr. Moran: Thank you.

Chair Ball: That's H-1 for clarification.

Mr. Moran: Oh, sorry. H-1.

Chair Ball: And that was the question.

Mr. Moran: Okay. It must have been. I apologize. I should know the alphabet by now. Thank you.

Chair Ball: Okay, you can be a commissioner next month. Okay, would anyone else like to testify? Don Domingo?

Mr. Don Domingo: I'll wait.

Chair Ball: Okay, would anyone else like to testify on any agenda item at this time? Seeing none we will close public testimony and move onto Item C.

Mr. Spence: Commissioners, it's my pleasure and it's an unfortunate event that I seldom look forward to reading the Resolutions of outgoing members and today we're ... it's the last meeting for Mr. Keone Ball and Mr. Ivan Lay. So what I want to do is read into the record the Resolutions and then present them with congratulations from the Mayor.

Chair Ball: You need some Kleenex, getting teary eyed here.

Mr. Spence: It could. We'll see how it goes.

C. RESOLUTIONS THANKING OUTGOING MEMBERS - JOHN "KEONE" BALL and IVAN LAY

Mr. Spence then read the Resolution for Mr. Keone Ball:

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since April 2011, Keone Ball has served as a member of the Maui Planning Commission; and has served as Vice-Chairperson of the Maui Planning Commission from April 2014 to March 2015; and Chairperson of the Maui Planning Commission from April 2015 to March 2016; and

WHEREAS, Keone Ball, has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

WHEREAS, Keone Ball's term of office will expire on March 31, 2016, now therefore

BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Keone Ball for his service during the past five years and does hereby extend its best wishes in his future endeavors; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui and the Honorable Mike White, Chairperson of the Maui County Council.

Chair Ball: Thank you.

Mr. Spence: It has really be a pleasure to work with you as a Commissioner and a Chair.

Chair Ball: Thank you. The pleasure was all mine.

Mr. Spence: And I also have a congratulatory letter from the Mayor and this very nice certificate suitable for framing.

Chair Ball: Thank you for the embarrassment.

Mr. Spence: You're very welcome. I tried to avoid it by...(inaudible)...

Chair Ball: Thank you very much. Am I supposed to say a few words or can we move on?

Unidentified Speaker: You're the Chair.

Chair Ball: Well, I'd like to thank the Commission and the public for putting up with me for the last five years and the Planning Commission is a very powerful commission for the County of Maui and I appreciated the Mayor appointing me when he did and I hope I served the community well in my representation and I hope that the Commission goes forth and does good things as they have in the past. And I just want to thank everybody for their patience and understanding over the past five years. Thank you. And thank you to the Director for all his guidance.

Mr. Spence: Thank you. Again, it's been very...(inaudible)...It's been a pleasure working with and also appointed Commissioner Ivan Lay.

Mr. Spence then read Mr. Ivan Lay's Resolution:

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since April 2011, Ivan Lay has served as a member of the Maui Planning Commission; and has served as Vice-Chairperson of the Maui Planning Commission from April 2012 to March 2013; and Chairperson of the Maui Planning Commission from April 2013 to March 2015; and

WHEREAS, Ivan Lay, has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

WHEREAS, Ivan Lay's term of office will expire on March 31, 2016, now therefore

BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Ivan Lay for his service during the past five years and does hereby extend its best wishes in his future endeavors; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui and the Honorable Mike White, Chairperson of the Maui County Council.

Mr. Lay: Thank you very much. Mahalo.

Chair Ball: Would you like to say a few parting words?

Mr. Lay: If I may? It has been an honor serving on the Planning Commission. I've learned a lot here. I've got a lotta input from the people out there, the public and I appreciate and I hope that they will continue doing this. I have always been supportive on public accesses and parking and that kind of thing. And I'm hoping that we continue this smart development that we're doing right now and we appreciate you guys being scrutinizing every project that comes before you and making sure that it is the right thing for Maui. Again, thank you and mahalos.

Chair Ball: Thank you. Thank you Commissioner Lay for your service too and your leadership during your tenure as Chair and Vice-Chair. We appreciate that. Okay, moving onto Item D-1, Director?

Mr. Spence: So Commissioners you have one public hearing item this morning. This is for Ms. Sandra Gilbert requesting a Bed and Breakfast Home to operate the Victorian Villa Bed and Breakfast. That's in the Rural District in Maui Meadows, and our Staff Planner is Mr. Quigless.

D. PUBLIC HEARING (Action to be taken after public hearing.)

- 1. MRS. SANDRA GILBERT requesting a Bed and Breakfast Home Permit in order to operate the Victorian Villa Bed and Breakfast, a two-bedroom bed and breakfast home located in the Rural District at 452 Kupulau Drive, TMK: 2-1-014: 053, Maui Meadows, Kihei, Island of Maui. (BBKM T2016/0001) (R. Quigless)**

The application is being taken to the Maui Planning Commission for action because there is a permitted bed and breakfast operation located within 500 ft. of the subject property.

Mr. Ryan Quigless: Aloha and good morning, Chair and Commissioners. My name is Ryan Quigless. I'll presenting a brief Power Point presentation to you this morning going over the facts for the proposed bed and breakfast named Victorian Villa.

As I stated the name is the Victorian Villa Bed and Breakfast. The project location is 452 Kupulau Drive in Kihei. It's indicated by the red marker on the map here. The next slide shows in context this is the Maui Meadow subdivision here. The project location is also indicated by the red marker there. South Kihei and the Piilani Highway here. Kupulau Drive lies right there. It's State zoned Rural District, County zoned Rural District as well.

The next slide shows the site plan and the parking of the property. This is the entryway off of Kupulau Drive here. This is the entryway here. The driveway leads to the guest parking and the owner parking. The furthest accessory dwelling is the proposed B&B cottage, two bedrooms, a kitchen and living space and a deck space.

As I stated the entrance to the property is from Kupulau Drive. The next slide shows the pool features, the pool area of the B&B, proposed B&B cottage. The pool hours are noted in the

house policy. Quiet hours are also noted in the house policy and parental supervision is required for children. It's also noted in the house policy as well. The property is landscaped with a visual and sound buffer. It's a full perimeter buffer, 360 degrees around the entire property. As I stated, quiet hours are noted in the house policy and here's a 20-foot high by 160-foot approximately long Ironwood hedge that lies between the nearest neighbors providing visual and sound buffers.

You'll see here the entry to the B&B home lies on the second story and there's a stairwell leading to the B&B home, proposed B&B home. Here's the deck space that we talked about earlier and the living and kitchen space to the right here. The bedrooms are both southwest facing, smoke detectors in each bedrooms. And here are a few examples of the safety features of the proposed B&B cottage, a fire extinguisher in the kitchen, smoke detectors in each bedroom, a main water shutoff valve to the proposed B&B cottage, and as I stated earlier the house rules that are posted.

There are three other B&B properties that lie within the 500-foot radius. There's a fourth B&B property that lies, that touches the edge of the 500-foot radius. The shaded property in the middle here is the proposed B&B property.

The Kihei Community Plan shows 31 permitted B&B currently, 30 permitted STRHs currently and the community plan cap for each is 100.

At this point we've received no neighbor opposition after three separate mailings. There have been five letters of support from the neighbors within 500 feet. Those examples are in your exhibits and also shown here in smaller. The house policies emphasize quiet hours again and respect for the residential nature of the community. The landscaping helps greatly to minimize the audio and visual disturbances and no noise disturbances or reports have been filed with the Maui Police Department.

The applicant's name is Sandra Gilbert. She's the owner of the property has been for six years. She's an interior architectural designer by trade and she volunteers weekly with her local church group to assist others with needs and she's also the designated manager for the proposed B&B. So that concludes our presentation.

Chair Ball: At this time, we'll open up for public testimony. Anyone that wish to testify at this time may do so?

a) Public Hearing

Mr. Tom Croly: Aloha Commission. First, congratulations and my sincere thanks for the service, five years of service that's a long time, but I've been coming here for more than that and it just flies by doesn't it?

I'm Tom Croly and I'm a neighbor and I'm here because Sandy is...my property, my bed and breakfast is one that's within 500 feet of Sandy's. And I just wanted to express my support for her permit and just comment that while it appears that there's a lot of you know, bed and breakfast in this area, we're outnumbered by more than 10 to 1 by our neighbors. Okay so, I don't think that we're taking over in any way, shape or form. Sandy's property has never

caused me any impacts and we're just separated by one property in between us. I will say that the one property in between us the guy likes to sit out on his deck and drink until 1:30 or 2:00 in the morning. He's not a bed and breakfast but if I won't be supporting his activities here the way I am for Sandy. When Sandy first moved into the house she invited the neighbors over just to get to know us and ever since that time she's been a pleasant neighbor to converse with on the street and her activities have never, never caused me any negative impacts and I hope that she can say the same about mine. So I support your granting this Bed and Breakfast Permit today. Thank you.

Chair Ball: Thank you, Tom. Any questions for the testifier? Seeing none, thank you. Would anyone else like to testify at this time? Step forward and identify yourself.

Mr. Kirk Meadows: Hi, aloha Commission. My name's Kirk Meadows. I'm also a neighbor of Sandra Gilbert. I'm actually...we share a property line with Sandra Gilbert so I just wanted to echo the sentiments of the last speaker and let them know, let you guys know that even being closer to Sandy we haven't had any, you know, there's been no impact from her you know living next door and even having guests of her own over and things like that. She's been nothing but nice to us and I just wanted to let you know that we have another neighbor here that says the same thing. Again, being...I didn't know the numbers, but being outnumbered 10 to 1 with bed and breakfast versus people who live here long-term I think that's important, but also I think it's important that the neighbors who do run the bed and breakfast are respectful of those around those of us who choose not to. And I've seen nothing but that from Sandy so I'd like to echo again, the sentiment of the last speaker and voice my support for Sandy as well. Thank you.

Chair Ball: You're not the 1:30 a.m. drinker neighbor are you?

Mr. Meadows: I'm not the 1:30 a.m. drinker.

Chair Ball: I was gonna say that's pretty good get up and get to work. Any questions for the testifier? Seeing none, thank you. Further testimony from the public? Seeing none, public testimony is now closed. We'll move onto the recommendation, Ryan?

b) Action

Mr. Quigless: My name is Ryan Quigless I recommend that the B&B be approved.

Chair Ball: And give us the, sorry give us the conditions.

Mr. Spence: Ryan, are there any special conditions for this or are they just standard conditions that all B&Bs have.

Mr. Quigless: Exactly, standard conditions. It's the hearing is for the other B&Bs within the 500-foot radius.

Mr. Spence: So Commissioners we can go through all those if you want?

Chair Ball: No, and that's not what I was...I was just seeing if there any special conditions, but it looks like there's just the standard conditions, 17 standards conditions. Okay, with that we'll go

into questions from the Commission. Commissioner Lay?

Mr. Lay: Ryan, I'm have a...I can't really read Exhibit 12, would you mind reading that for me, it's kind of...the copy didn't come out well. Sorry to put you on a spot here, but I was just wondering what that comments were on it, Exhibit 12?

Mr. Spence: The site plan?

Chair Ball: No, it's a letter from 442 Kupulau Drive.

Mr. Spence: Okay.

Mr. Quigless: You know, I'm not sure exactly which exhibit that you're referring to.

Mr. Lay: It's a letter.

Mr. Quigless: Oh, letter of support from neighbors within the 500-foot radius.

Mr. Lay: Was there any special thing they said in it or just they're recommending?

Mr. Quigless: Just general approving of the B&B, proposed B&B.

Mr. Lay: Okay.

Chair Ball: Further questions from the Commission? Commissioner Hedani?

Mr. Hedani: Ryan, is the...I notice that the B&B is on the second floor and I see a walkway that leads to it or a ramp. Is the property, is the B&B ADA accessible?

Mr. Quigless: I don't believe the second floor is accessible, but the first floor is accessible of the primary dwelling.

Mr. Hedani: Okay, because it's being operated essentially as a hotel is there an exemption from ADA regulations for rental property?

Mr. Quigless: I'm not sure of that. I'll have to do some research on that, but as it stands now the B&B is not ADA accessible from the second floor.

Chair Ball: Director?

Mr. Spence: Thank you. We can double check on that or maybe Deputy Director from Public Works Rowena can comment on ADA accessibility. But I don't believe single family residences are required. I know some people feel that B&Bs and vacation rentals are hotels. I think there's a certain room limit where that becomes applicable and I don't believe a single family residence is required to do ADA accessible.

Chair Ball: Public Works?

Ms. Dagdag-Andaya: We don't have any requirements for ADA. That would come under Department of Justice and usually it applies when you have commercial buildings or buildings that are government facilities so...and when it comes to residential structures.

Mr. Spence: So a commercial building like a hotel?

Ms. Dagdag-Andaya: Yes, I think there might be...yeah you would...but it wouldn't, again it would be under...Public Works doesn't review for that. It would be a Department of Justice item. And again, yeah, it's not...yeah, we don't review for that. But there are standards that are typically followed for commercial buildings when it comes to ADA and accessibility, but again that's not under...that doesn't come under Public Works.

Chair Ball: Okay, further questions? Do we have a motion then?

Mr. Hudson: I'll make the motion.

Mr. Lay: Second.

Chair Ball: Motion to approve?

Mr. Hudson: With the recommendation.

Chair Ball: Motion to approve the recommendation by Commissioner Hudson, second by Commissioner Lay. Discussion? Commissioner Medeiros?

Mr. Medeiros: Yeah, I agree with Commissioner Hedani's concern about ADA regulations. I know it doesn't apply to this applicant. I support the bed and breakfast. But I would like to ask the Commission to consider ADA regulations moving forward, you know 'cause it's hard enough for them already, you know, and I think it should be considered, but I support this is ADA because they're in compliance.

Chair Ball: Maybe the Department can do some research on that and report back at the next meeting on what that all entails.

Mr. Spence: I just made a note.

Chair Ball: We'll get a report next meeting for that kind of stuff for everything. Further questions? Commissioner Hedani?

Mr. Hedani: I'm supportive of the application. If it's the Department of Justice then we'll just let it litigate itself out.

Chair Ball: Further comments? Seeing none, all in favor of the motion raise your hand and say, "aye".

Mr. Spence: That's five ayes.

Chair Ball: Motion carried.

Mr. Quigless: Thank you very much.

It was moved by Mr. Hudson, seconded by Mr. Lay, then

**VOTED: To Approve the Bed and Breakfast Home Permit as Recommended by the Department.
(Assenting - L. Hudson, I. Lay, J. Medeiros, W. Hedani, R. Higashi)
(Excused - S. Duvauchelle, K. Robinson, M. Tsai)**

Chair Ball: Moving on. Thank you Ryan. E-1, Unfinished Business.

Mr. Spence: Commissioners, here we have again, Mr. Lawrence Adler, Walgreens Maui requesting an Environmental Assessment Determination for the Final EA for their Walgreens on South Kihei Road, and I see Mr. Schnell at the podium representing Walgreens.

E. UNFINISHED BUSINESS

- 1. MR. LAWRENCE ADLER of WALGREEN OF MAUI INC. requesting an Environmental Assessment Determination on the Final 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) (C. Thackerson) (Draft Environmental Assessment was reviewed by the Commission at its June 10, 2015 meeting.) (Final Environmental Assessment was distributed at the December 8, 2015 meeting. Members: Please bring this document with you to the meeting.) (Matter was deferred at the January 12, 2016 and February 9, 2016 meetings.)**

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. Thackerson: But I have an information packet to pass out really quick for you.

Mr. Spence: Okay.

Ms. Thackerson: We have a revised site plan, a letter of support from the KCA as well as the applicant's letter back, their comment letter back and two other letters of support from the community as well as one letter from an engineering firm looking at the drainage report.

Chair Ball: Who wants to start here? Tom, I think.

Mr. Tom Schnell: Hi, good morning Commission Members. Tom Schnell with PBR Hawaii. Nice to be here. This is our third time in front of you folks for the approval of the Final EA, and previously we were here in June for the comments on the Draft EA. With me today is Darren Unemori our project engineer. I think most of you have seen this presentation at least once so I've tried to shorten it and condense it down to some pertinent facts and I think the most pertinent fact is that we have some significant site plan changes that have gone on since last meeting and we've also done a lot of community outreach and you'll see some of the letters in the packet from...one letter from the KCA and Mike is here to report on that. I think Randy Wagner might come. I think she's running a little bit late.

But let me go over the site plan changes because they are significant and they do make the project much better. So I just wanted to review briefly in June 2015 on the Draft EA we were with a project that was 14,550 square foot store. We had about 50 parking spaces and we had a access way onto Nohokai Street. And then when we received many comments on the EA in June, but we revised the site plan, one of the significant changes was to eliminate the access way onto Nohokai Street in response to community and neighbor concerns. We also significantly changed the design of the building. So we put a hip...sloped roof around the entire building to make it more lower and residential in scale and that was the result of community concerns also. We added more landscaping and we also proposed no improvements along Nohokai Street as far as the County standard improvements, curbs, gutters, sidewalks because that's what we heard from some of the community members. However, since we're heard that the community would like a sidewalk but they don't necessarily want Nohokai Street widened with an additional turn lane.

When we came back in February, if you can go back to the other one, yeah okay, this December site plan had a retention basin about 20,000 square feet and then when we came back in February we enlarged the retention basin but we kept the same capacity and that was as a result of doing some studies on the water table and we found out that the water table was actually higher than we had anticipated. So we increased the site of the retention basin, the footprint to compensate for less depth. So it still retains the same amount of asphalt.

In February the Commission instructed us to go talk to the community more. There were many community members in February with concerns about the project. We did go back to the Community the next week and we had some good meetings, good discussions and there were a series of meetings that went on and we talked to several of the neighbors. Most of the neighbors were in one group that was organized by Randy Wagner. She was very instrumental in spearheading a lot of changes that we eventually incorporated into the plan. A subsequent meeting to that first meeting Randy actually invited us into her home and Larry Adler from Walgreens was there that was very productive meeting because we had a decision maker in the room that could make decisions and communicate store size and there were kind of issues that were important to Walgreens immediately so that was good.

So the revised site plan as a result of that meeting is a smaller store. The store is now about 13,000 versus 14,550. We have a significantly larger green and retention area along Nohokai

Street. There's no access from Nohokai Street like in the other, other plans. We've also incorporated more landscaping that would have a significant screening, planting it could be a hedge or it could be other kind of screening to screen this loading dock area. We've incorporated some landscaping in the front of the building that was requested. And we can also do some screening in front of the parking areas.

Another major change is that we've reduced the parking area to the minimum amount of parking required by the County Code so we're at 26 parking spaces now. The original plan in June had 50 parking spaces. So the result of less of pavement is obviously more green space and more pervious areas for drainage to retain.

Here's a more close up detailed plan. So here's a secondary retention basin here. We've kept this area. This is still, it still goes out and originally since the February plan we haven't changed this site. But we've added this retention basin here which provides about 5,000 cubic square feet more retention capacity. But also it provides a lot green spaces so along Nohokai Street provided a lot more landscaping in the front here. Also more landscaping where...here we go...more landscaping in front of the parking area that's along South Kihei Road and this inset area over here that you could see is a detail of the store, the eaves of the store come out about 42 inches so this inset provides a look at what's under the eaves and the Kihei Community Association or the groups that we have met with asked for landscaping in front of the store to screen the foundation area so that includes some planter areas in front of the store that are actually under the eaves so that's why we show that detail here.

So key changes, reduce store size to 13,000 square feet. Much less pavement from 50 parking stalls to 26 parking stalls. More retention area, a second retention area added, that's about 5,000 square feet. Increased landscaping and that's to screen the loading dock, the parking areas and the front of the building. And let me just go through some of the design changes. I think you've seen these before but I really like these slides and let me give you a caveat that I'm gonna show some of the building sections or elevations, we need to update the these elevations to reflect the smaller store size. These are still showing the larger store size, but it still shows the character and style of the roof and what the building would look like. I can go through these quicker, quickly. This is what the store looked like before in June. We had this large cupola feature and this was about 35 feet high. And it will be lowered down. It's about 26...25.6 inches or 25 feet, 6 inches. So it's significantly come down in scale. We've added these gable features and these gable features and roofs go all the way around. So the neighbor in the back has this same type of view. So this...before this is June and then this is what it would look like abet with a smaller building, smaller store size, this is the scale it would come down to. This is the loading dock area on the north side and that's before, and that's after, one more. This is the back of the building. And that's what it was before and that's what it would look from the neighboring property. And this is the south elevation which is the side of the building closest to McDonalds.

Okay, so next...the last time we were here we heard from you to work with the community more and which I've talked about. We heard provide more information on traffic, provide clarification on the water table, and provide more information on drainage. So let me run through these

points quickly.

The community meetings that we had we met with several of the neighbors on February 19th, and we also met with the owner of Parcel 14. Parcel 14 is the parcel that's directly makai of the larger retaining, retention basin. That owner is also a civil engineer and we reviewed the drainage plans and there's a letter in your package from him saying that he didn't have any concerns with the drainage plans.

March 8th, we had another meeting with the Kihei residents and community. This is the one where Randy invited us to her house. Larry Adler from Walgreens was there. We talked about smaller store size, more landscaping and we went back to the drawing board and revised those plans and Randy and I have been communicating via email with revised plans and then she took it to the KCA and the result is the letter you have in you packet from the KCA.

We've also pledged an ongoing commitment to continue working with the group going forward and incorporating changes and addressing concerns and listening to their suggestions. We've seen this, so I think I can skip this one. This is the same plan.

Roadways and traffic. Unfortunately our traffic engineer could not be here today too, he has health issues and a family emergency. He could not attend. So let me try my best to summarize traffic and I'll try to do it in layman's terms that is based on my understanding also. The current site plan shows the building 13,000 square feet and then you can't see the details here very much, but what we're planning to do is we're planning to add a median turn lane here into South Kihei Road and to do that we're gonna dedicate some land across the front of our property and then that will allow this additional two-way turn lane in. So that will allow left-turns onto Nohokai Street now. It will allow a left-turn into the project, the Walgreens. It will also allow a refuge lane for people that are turning left out of the Walgreens property. Also, we're gonna put bike lanes on both sides of South Kihei Road in the front of our property so along here we'll also put a bike lane on this side. We have enough width to do that and restripe the road to move it over. It also creates an additional lane that starts at about right here. So the widening of South Kihei Road or the fourth lane starts at our driveway rather than I think about McDonalds area now.

The traffic study analyzed six traffic intersections in the vicinity and overall the intersections operate a satisfactory levels during peak hours and that's when traffic studies are typically...do their analysis during the peak hours so early morning peak and afternoon peak. Next slide. So this is the Kihei Walgreens and these are surrounding intersections so there's Waipuilani Road up here it went to that extent and it went down to East Lipoa Street and all the intersections in between with the analysis.

I'll try to summarize as best I can but the traffic volumes on South Kihei Road now in the morning peak hour which is from about 7:30 a.m. to 8:30 a.m. there's about 900 vehicles per hour on South Kihei Road. In the evening peak which is 4:30 to 5:30 there's about 1,250 vehicles per hour on South Kihei Road. The Walgreens project independently it's anticipated that it would generate approximately 43 trips during the peak morning hour and 61 trips or extra

vehicles on the road during the afternoon. This represents about a .5 to .3 percent increase of the total amount of traffic compared to how many vehicles are already on the road. The traffic study concludes that the intersections studied would still operate at acceptable levels based on traffic engineering report standards or traffic engineer standards. Maybe you'll have questions when we get to the presentation on traffic. Hopefully I can address.

Groundwater and drainage. So again the previous site had the large or smaller retention basin. The new site plan has a larger retention basin here as far as the footprint, less pavement area and the increased retention basin up here.

We did this drawing to illustrate the change in the retention basin based on the depth of the water table. So on this exhibit we had the smaller retention basin or at least the smaller footprint and it had a larger depth and we estimated that the water table at that time was about elevation two feet above mean sea level. When we did the study we found out that the water table is actually about 31 inches above mean sea level meaning we had less depth to work with for the water table and the retention basin. So we widened the footprint and it retains the same amount of capacity. Now we can do further analysis on the water table depth. We did it at a point in time and I know Mr. Domingo is here and he might have some concerns about the water table study. I guess the bottom line I would like to express is that we have extra capacity. We could make the retention basin somewhat bigger by increasing the footprint. We have about three times more capacity than we need, actually more than that. So there's room for margin of, let's say, margin of error. We will still have enough retention capacity. But the bottom line is that we're not gonna build a building if we can't build it correctly and we can't get the correct permits as far as a drainage permit, a flood district permit and these permits are reviewed by the Planning Department and the Department of Public Works, and so if we can't meet the criteria and we project we can exceed the criteria then you know, we're not going to be able to go forward with the building.

We can skip this one, it's the same. So just wanted to summarize drainage and the current site plan because the current site plan has a significant change to the drainage capacity. And so the smaller store and reducing parking generates much less runoff than before. It leaves more pervious area for rainwater to soak into. It allows for an additional retention area and all together our retention area, storage capacity is about 25,000 cubic feet. That's 20,000 cubic feet southwest corner, it's in the back of the property that we had previously proposed plus along Nohokai is another 5,000 cubic feet of retention capacity. We're greatly in excess of the requirements. And this revised plan also allows us to hold some of the runoff that comes down from makai areas that currently sheets through, sheetflows through the property and we do have the retention to make some improvements to the regional drainage conditions although, you know, even our improvements are not gonna solve the flooding problem makai of us, but it would hold more than necessary and hopefully more than is being held right now and soaking under the ground now.

So conclusion. We're here for the third time. We do ask for your approval of the Final EA and we'll be moving onto the SMA if you do take this next step and there's just gonna be more discussion with the Commission and with the community before we get to that SMA stage. The

Final EA includes all the comments and responses including the most recent letter that we've handed out here. It meets the OEQC significant criteria for a Finding of No Significant Impact. Again, an EA is not an approval of the project. There's...(inaudible)...another day to come back to this Commission. It will also go the Council for a change in zoning eventually. Candace is here and she can answer questions on the Planning Department's recommendation, but the Planning Department has recommended approval of a FONSI, obviously we agree. Again, Planning Commission review SMA, change in zoning before Council, and back to Planning Commission on the SMA if the Council approves the zoning. So we'll be before the Commission many more times. At least two. And thank you very much. If you have questions, I'd be happy to address your concerns.

Chair Ball: Great. At this time, we'll open it up for public testimony. Anyone that would like to testify at this time may do so.

Mr. Mike Moran: Aloha again Commissioners. Mike Moran for the Kihei Community Association. I believe everybody has those documents. We had submitted them before and I think Walgreens did as well, but.....(inaudible)...didn't see them, didn't have them handy, they would have them in front of them. Our intent this morning was to read the letter which you have in front of you which gives KCA's position. But I'm gonna amend that intent a little bit. Tom mentioned Randy Wagner several times and I wanted to kinda clarify, Randy is a board member of KCA. In addition, she's a close neighbor to the project, and in addition to that, she is a professional architect. So she has done yeoman's work and while I give you guys credit, I like to give her credit too as another volunteer who has done as much as possible. And the other point I'd like to make is we found the community to have wildly divergent opinions of this project and it was a real challenge for us to come up with a document. We've made a lot of enemies with it and we've made some friends with it, but that's the nature of the situation. We looked at this as a reasonable compromise. If I don't get through the whole letter, you'll have.

So this is our testimony which was submitted via email and in person today. The KCA would like to express appreciation to the Planning Commissioners for looking closely at the proposed Kihei Walgreens project with an eye for its real impact on our community. You have listened to testimony and pointed out your own concerns that have helped us to work towards addressing the worrisome conditions described by neighbors and other community members.

At this time, the Kihei Community Association is expressing support for the changes made to the store design and the site design of the proposed Kihei Walgreens as shown in the Environmental Assessment to be presented today. Please reference the attached drawing. We note that the changes include store size is limited to 13,000 square feet maximum. Additional retention basin is added along Nohokai. Parking is limited to 26 stalls minimum, maximum, landscaping has been added and improved to fully screen the loading dock from the neighbors, to screen the base of the store facing South Kihei Road, to screen the parking from South Kihei Road sidewalk and to provide shade along Nohokai Street and South Kihei Road sidewalks. These changes reflect Walgreens response to the community's needs to buffer the current residences from a large commercial operation and also allow for increase on onsite water retention. These concerns are consistent with our community plan priorities and have been

paramount in the neighbor's objections to the previous designs.

We understand that Walgreens will continue to work with the KCA and the neighbors in the design, development elements of the project such as architectural finishes, lighting, landscaping, parking lot paving porosity and limiting store hours of operation. One detail in particular that we're excited to see is develop the green streets concept of the typical storm water planters as shown in Section A on the attached drawing.

While KCA does not feel this is the ideal sized development for this particular location, we do appreciate the willingness of Walgreens to address the concerns of the community. We look at this experience as an example of how developers can work with the community to achieve a compromise that is acceptable to all parties and all...it should be in quotes, not everyone but we do the best we can. Thank you very much. Aloha.

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

Mr. Tom Croly: Aloha Chair, Aloha Commission. Tom Croly. I've been with you for every one of the hearings on this not because it's been the item that most attracted me but just because I'm usually here. And I think that this...what I've observed is a really good use of the process. These folks have listened to the concerns that were expressed and responded to them I think in a way that's making everyone happy and I think that the Commission should feel good that you participated in this.

My concern was the traffic issue, and my solution given it on the surface would have been to turn Nohokai Street into a place where there was a traffic light and a place to turn left and so forth. But I recognize that the neighbors on Nohokai probably didn't want that and I looked at what they've proposed here and creating the buffer that they have, the rather large green area, I think makes a lot more sense than how I looked at it initially. I still am concerned about what they pointed out which was that the left-turn out of McDonalds is the problem, the choke point in this and I hope the Department of Public Works will help in creating lines and arrows and so forth to try to improve that situation when this gets constructed 'cause there's the opportunity to make an improvement here in the traffic. So I hope that this Environmental Assessment is accepted and again, that you call can feel proud that it's a better document than it was when they first came forward. Thank you.

Chair Ball: Thank you. Any questions for the testifier? None? Thank you. Any further testimony? Don?

Mr. Donovan Domingo: Hello everyone. I'm Donovan Domingo. I live on 34 Nohokai. And the big thing that I continue to bring up and it's not going away even though it's only 13,000 square feet now its footprint is still gonna be about 18,000 square feet because of the ramps, the sidewalks, everything. So it's a zero fill lot area, zero fill that means you cannot bring anything onto the property to build it up. Yet you have to also match what the building thing is seven feet about mean, high mean sea level and it's only what is it, 40 inches I think it is, whatever. So

they gotta go at least three plus feet high. In order to do that on 18,000 square feet and actually it's larger because of other things, but I'm trying to give 'em the benefit of the doubt. 18,000 square feet it and it has to be raised at least three feet on a 20...and the only place they could get out of is that retention area which they say in their own numbers is 22,000 square feet or cubic feet, 22,000 cubic feet is just under 70 cubic yards. They need over 54,000 cubic feet just to get barely up to where they need to be not including their sand and their concrete and all that. So it's not possible for them to build it unless they again, dig that hole much deeper, they get more fill out of it to build up their lot which now that ends up we have a big lake right in the middle of our residents and I totally disagree with that.

Chair Ball: Okay, any questions for the testifier? Seeing none, thank you. Any further...Randy come forward and identify yourself please.

Ms. Randy Wagner: My name's Randy Wagner and I've been very involved in the process. I live on the end of Nohokai. And I know that that lot floods now. I've seen that previously it was a wetland that was filled and then mitigated with a wetland in an area that doesn't help the area that it's in. So what I...I'm very happy to see the additional retention and I would love to see the paving on the parking lot treated as a pervious concrete the way it's been done where Fabiani's is. I don't know if you all are familiar with Lipoa Street where there's additional retention underneath paved areas because the big decision for me was if we can get Walgreens to give us more retention in that area which is what they're working towards I felt like our neighborhood would be better served than allowing these lots to go to single-family homes where there would be no infrastructure improvements and the possibility that people would pave their entire lot which we see from time to time in Kihei. So for me it was a decision to work towards more of a living lot. A lot that continues to function as it's meant to and it seems ironic that a big store would be able to make that happen.

I'm gonna work really hard continuing forward with Walgreens as they have said they would do and with Tom and Leilani to push, and push, and push for every single possible thing that will help that lot not become a problem as Donovan described because I understand his position completely.

And I do want to appreciate the comments that some of you all have made that show that you really cared about the effect on the adjacent neighbors particularly the one who's diagonally behind that back rear retention basin. Thank you.

Chair Ball: Thank you. Any questions for the testifier? Seeing none, thank you. Would anyone else like to testify at this time. Seeing none, public testimony is closed. Can we get the recommendation, Candace?

Ms. Thackerson: The Planning Department recommends that the Commission find a Finding of No Significant Impact subject to the representations made before the Commission at the January 12, 2016, February 9, 2016, and finally the March 22, 2016 meeting and the revised site plan as shown today.

Chair Ball: Okay, thank you. Commissioners, questions?

Unidentified Speaker: We've beat this one—

Chair Ball: We've pretty much beat this one to death. Okay, there are no questions do we have a motion? Commissioner Higashi?

Mr. Higashi: I move to—

Chair Ball: Please your mic please.

Mr. Higashi: I move to accept the recommendation by the Planning Department.

Mr. Hedani: Second.

Chair Ball: Second by Commissioner Hedani. Discussion? Commissioner Higashi?

Mr. Higashi: I definitely feel that Walgreen did make major changes and worked closely with the community association because previously on the original application I disapproved it based upon the size and et cetera and the disagreement of the KCA.

Chair Ball: Okay, further comments? Commissioner Lay?

Mr. Lay: I like all the changes that you made it's been very positive. I would like you guys to look into more of a, and everyone else after this, pervious parking areas with some filtration system underneath it. I think that would work good. As far as for me it's, for me it's a wrong place that's all.

Chair Ball: Commissioner Hudson?

Mr. Hudson: First off, I'd like to thank you PBR, they made concerted efforts and it's very commendable, it's truly a professional way to conduct yourselves. But the question before me is whether or not there's gonna be a significant impact and I believe there probably be a significant impact. That's all I wanna say about that.

Chair Ball: Further comments, Commissioner Medeiros?

Mr. Medeiros: Yeah, I'm gonna support the FONSI. I do have some concerns that can be dealt with later and they have demonstrated a lot since the first time they came in. When they first came in to be honest they were quite arrogant, but with the pressure that was given to them they made an honest attempt to work with the community, and an honest attempt to work with the community gets my vote. So I'll see you in a few months when you come back.

Chair Ball: Further comments? Commissioner Hedani?

Mr. Hedani: I'd like to thank the Kihei Community Association for producing a positive letter for the Commission. I know they've always been critical in the past and I've taken exception to some of their letters but in the final, in the final analysis I think the comments that they brought forward, the concerns that they brought forward has developed a better project and I look forward to seeing additional, you know, work and consideration being done as they move toward their SMA approval.

Chair Ball: Commissioner Higashi?

Mr. Higashi: This is basically a recommendation to the Director and Public Works that this particular area of Kihei is definitely a flood zone area and if the County Council could some way develop a plan to have a drainage system that would curtail all these problems that occur with flooding and I think that's the major things that we're faced with all the time in the Kihei area is the flooding of that particular area and I think maybe that might help the community in resolving a lot of the problems that we have.

Chair Ball: Director?

Mr. Spence: I'm glancing over at Rowena. I know that the Department of Public Works has been working on a drainage master plan for the Kihei area and I think we're all really aware of the flooding problems in Kihei. The problem isn't in Kihei so much as it is up on the side of the mountain where you have thousands of acres draining downhill. So when you get the cloud bursts up in Kula it ends up in Kihei and you know, no one applicant can deal with that. It takes a larger concerted effort to deal with that.

Chair Ball: Public Works.

Ms. Dagdag-Andaya: Yeah, I need to concur with the Director. I think when we look at problems, when we look at planning in general it's...we need to start looking at the ahupuaa system from mauka to makai and see what impacts come along the way. So when we look at drainage we cannot just focus on South Kihei Road, but we have to focus all the way, going up all the way the mountain. You know we do...just to give you an update on where we're at with the drainage master plan, we did take a look at the draft provided by our consultant and we had some concerns with that. So we're currently working with our consultant right now to get some items reviewed and relooked hoping...I mean, we're hoping to get something out by September but we wanted the consultants to go back to the drawing board. But again, you know when looking at projects I think we look further like outside that little tiny scope.

Chair Ball: Commissioner Higashi?

Mr. Higashi: I have a recommendation and this like developing a big lake on the mauka side of Piilani like Lake Mead and then collect all that drainage coming down instead of going down Kihei have a big lake up, up on the mauka side. Thank you.

Chair Ball: Further comments? I'd like to echo Tom Croly's comments about how this process

works. And this is fine example of that, how the community comes in and changes things in cooperation with the applicant and for the better I think. That's why we have the process and it seems to work well and...anyway, that...is there further discussion? Commissioner Hedani?

Mr. Hedani: You know, from the standpoint of consistency for the Commission to apply conditions and standards on applicants come before us in this particular case I think they've gone about as far as you can go in accommodating considers on the drainage that's coming from elsewhere, other properties, other responsibilities. I wanted to note that they're solving drainage issues that are coming from their competition across the street in terms of accepting water that's coming from the Longs project across Kihei Road and into their retention basin.

Chair Ball: Very neighborly of them. Any further comments? Seeing none, all in favor of the motion, raise your hand and say, "aye".

Mr. Spence: One, two, that's three ayes.

Chair Ball: All opposed?

Mr. Spence: Two opposed.

It was moved by Mr. Higashi, seconded by Mr. Hedani, and

The Motion to Accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI), FAILED.

(Assenting - R. Higashi, W. Hedani, J. Medeiros)

(Dissenting - L. Hudson, I. Lay)

(Excused - S. Duvauchelle, K. Robinson, M. Tsai)

Chair Ball: Is there another motion? Motion dies for—

Mr. Hudson: Move to defer.

Chair Ball: Motion to defer.

Mr. Lay: Second.

Chair Ball: Second. Further discussion? Commissioner Hudson?

Mr. Hudson: It would be, it would be nice if some of the other commissioners were here. This is a little tight. Just my own opinion.

Chair Ball: Commissioner Lay?

Mr. Lay: For me also, maybe more discussion, more commissioners here would help out with this and get more input on this, so they get a more positive thing.

Chair Ball: Commissioner Higashi?

Mr. Higashi: I'd like to know what the justification for their deferral is.

Mr. Hudson: The question before us is whether or not—

Chair Ball: Commissioner Hudson?

Mr. Hudson: --oh, thank you, I'm sorry. The question before us is whether or not there will be a significant impact. There's nine commissioners so we each have our own opinion. In my opinion, there will be a significant impact. I think it will impact the drainage and I think it will impact the community and not in a positive manner. That's my opinion. That's why I voted no.

Chair Ball: Commissioner Lay?

Mr. Lay: For mine, it would be the traffic. I don't think the traffic issue is gonna be resolved. It's a really highly congested area there and we're just adding more fuel to the fire.

Chair Ball: The deferral is so we don't go around and around because we obviously are not gonna get the votes today, so...for the position or for the negative. Planner Thackerson?

Ms. Thackerson: Just for the record when I'm drafting the letter for the deferral, do you have any specific items that you would like to see the applicant come back with or would you like me to put in the deferral letter just until there's more commissioners here to have a discussion further on the topic?

Chair Ball: Commissioner Lay?

Mr. Lay: I'd like for them to look into the parking area where there's more pervious parking area with a filtration system under that which will help with the drainage even more so. They've done an incredible job I have to say what you guys have. What your first proposal was and what it is now, the drainage you guys are doing a great job for that area in there and again, the traffic thing I don't know how you're gonna resolve it. If you come up with something, some alternatives that would be great 'cause you got two shopping centers side to side and then with your store and McDonalds there I'm looking at people coming out from your place going into McDonalds and not sure if that's a positive or negative effect for McDonalds too.

Chair Ball: Commissioner Hudson?

Mr. Hudson: I concur with Commissioner Lay. Basically what I'd wanna see is how it's not gonna have an impact on the community, a negative impact on the community. I understand the positive impact that you know, competition is always good that's what our economy is based upon, but I see it as having certain negative impacts. I wanna be reassured that these are not gonna be significant.

Chair Ball: Public Works?

Ms. Dagdag-Andaya: Can I ask a question about the traffic concerns and direct it to Commissioner Lay? So with the McDonalds, say the McDonalds ingress, egress is there a specific issue that you're thinking of like eliminating conflicts or being able to pass through or get across lanes or...

Mr. Lay: Well right now I'm looking at they have one entrance and one exit and McDonalds has a side one. I know adding one more if that's gonna help or not but that's causing a gridlock right there when you've got guys coming in, guys coming out, you got your flow of your traffic, I don't know if you're gonna have enough retention for your cars that are waiting to get in Walgreens during that high traffic times. I mean, I've been...(inaudible)...road where again everywhere else on Maui where what's the traffic jam and you can't see anything. It's just things that just multiple down the line and affects the whole traffic.

Chair Ball: Okay, so the motion is to defer—sorry, Commissioner Medeiros?

Mr. Medeiros: While I agree with both Commissioners that there will be an impact, I believe any project will have an impact. They have demonstrated their willingness to minimize the impact and I think especially with the traffic you know, something for person for me 'cause I drive on that road every single day, every single day and yes, I will be impacted with any project on Kihei Road and I understand that, I accept that, I also respect their response to minimize the impact. I still do have some concerns but it can be addressed at the next step. So to continue to the next step I will support the deferral.

Chair Ball: Director?

Mr. Spence: Thank you, and I know where this is going and maybe next time we'll have additional commissioners here. I just wanna reiterate to the Commission that like Rowena's comments and my comments earlier, this area it's gonna flood one way or another. The, you know, the water comes off of way up high on the mountain over hundreds of acres if not thousand acres and it funnels down, you know, there's a number of places in Kihei where it just funnels down through the gulches in the specific areas. The applicant...when we get into the more explanation of training for commissioners and Corporation Counsel will give an overview of you know, rational nexus and rough proportionality and those kinds of things really all an applicant can do is deal with their impact. That's all they can be required to do under Federal Law, under Unites States Supreme Court Law. To me, and this is just my opinion, this applicant has done that. They cannot possibly mitigate everything off of the watershed with...in other words, with the project or without the project there's going to be flooding in this area. They cannot be held responsible to deal with the entire thing. What they under rough proportionality and also under our grading ordinances they are required to deal with their impacts and I think they've actually gone beyond that. So I know this will be a discussion for another day and there will be additional commissioners and we will make sure that we get the entire record and are...you know, we'll watch Tom's Power Point at least one more time.

Mr. Schnell: It changes every time.

Chair Ball: Okay, any further comments? Commissioner Hedani?

Mr. Hedani: I agree with Commissioner Medeiros. When we take impact statements assessments, environmental assessments, I think the criteria is not to show that there's no impact. The criteria is to see whether or not they've minimized any impacts that are created by the project and that's what's required by law and I think Corp. Counsel can expand on that. Any project will have an impact. My house has an impact. The rain that falls on my roof, falls onto my driveway, goes out to the street, ends up in the ocean. Nobody is exempt from impacts. Every person that develops a house creates an impact. The concern here is how do you minimize it, is it reasonable in terms of the extent that they've gone to try to mitigate that. They've gone three times higher than the County requirement for retention, three times higher. We have to be consistent as a commission if we're gonna impose certain standards on this applicant, we have to impose those same standards on everyone who comes before us. I think they've shown that they've gone way beyond what anybody else has done, and I made a joke about Longs across the street, but Longs does not have permeable pavement and there's a lot of hard surface, you know, on their lot compared to this lot. So we have to be consistent and fair from the standpoint of how we apply the rules that we have and the guidelines that we have to everybody that comes in.

Chair Ball: Commissioner Higashi?

Mr. Higashi: Yeah, I'd like to convince my two colleagues across the way that this particular applicant I think tried in every way to appease what's happening and what kind of convinced me was that the community association understood that although there are some problems that the applicant cannot complete all these requirements that are put on based upon what they're faced with. And I think the final thing that I get concerned as a commissioner is our permit process gets to a point where the applicant spends a whole lot of money every month that this is delayed, you know, it's an expense and that concerns me.

Chair Ball: Any further comments? Commissioner Lay?

Mr. Lay: My wife and I have always discussed it's okay to disagree every once in a while.

Chair Ball: Commissioner Hedani?

Mr. Hedani: You know, Hawaii has always had a poor reputation as place to do business. We're written up by Forbes Magazine as a purgatory for business. It's start here with meetings like this and how we treat the people that come before us. They're trying to create over 100 jobs for the island. Maybe we don't need the jobs right now, maybe we don't care. But we need to be open to investment I think, open to the idea of creating work you know, for our people and the criticism from Forbes Magazine is not unfounded and I think it starts with us.

Chair Ball: Commissioner Hudson?

Mr. Hudson: We agree to disagree. We all have our own opinions which is why there's nine of us or should be nine of us. And so if we all have the same opinion we wouldn't need a commission. While the idea that we disagree might slow down projects it's not designed to stop projects and while I enjoy working with all of you, at this point in time we disagree. My opinion is that it will have a significant, the operative word is significant impact. Everything like you say has an impact. My concern is with significant impacts and I am not in any way taking away from the efforts of the consultant. I think they did an outstanding, marvelous job. I want a little bit more input from the rest of the commissioners so it doesn't seem like we're in the minority and it seems like, it seems like everybody's like hey you guys, but the bottom dollar is we all have our own opinions. In my opinion it has a significant impact. Now if we were to just vote with the majority then that would be a great injustice and that's my opinion.

Chair Ball: Commission Lay?

Mr. Lay: Just one more comment. Okay, so we've seen from step 1 to where we first started to where we are now, incredible improvements, incredible. I mean, from what was a box before to something that actually blends in with the environment. I mean your efforts have been tremendous and I thank you for all those efforts and don't give up.

Chair Ball: I'll just comment that the injustice is that the people don't show up for the meetings that's where it comes in. I mean we're stuck with here with five members and the biggest problem is that the people aren't here to represent the commission. Of course, everyone's entitled to their opinion, you should vote with that conscience and not vote to get it through. It's up to the nine people to be here to have a productive meeting. So stick to your opinions. Okay, with that...Commissioner Medeiros?

Mr. Medeiros: I just wanted to say that more times than not I agree with them, okay. And they have a right to their opinion just as I have a right to mine so I don't want them to take offense that I'm not voting with them. This time I am, you know, I am supporting the defer, deferment but you know, we most of the time we agree, okay. That's all I have to say.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Yeah, I agree with Jason. Every commissioner has the right to an opinion and they should express that opinion. I've always said that yes is a good answer, no is a good answer, I don't know is not a good answer.

Chair Ball: Okay, all in favor of deferral of raise your hand and say, "aye"?

Mr. Spence: That's four ayes.

Chair Ball: Any opposed?

Mr. Spence: One opposed.

Chair Ball: Chair votes in favor of deferral. Motion to defer is carried.

It was then moved by Mr. Hudson, seconded by Mr. Lay, then

**VOTED: To Defer the Matter in Order to Have More Commissioners Present.
(Assenting - L. Hudson, I. Lay, J. Medeiros, W. Hedani, K. Ball)
(Dissenting - R. Higashi)
(Excused - S. Duvauchelle, K. Robinson, M. Tsai)**

Chair Ball: We'll take a five-minute recess.

A recess was called at 10:27 a.m., and the meeting was reconvened at 10:44 a.m.

Chair Ball: Okay, we'll call the meeting back to order. We're on Item F-1. Director?

Mr. Spence: So Commissioners this is under Communications. This is Mr. Wayne Arakaki of Arakaki Engineering on behalf of GKT AT LIPOA, LLC requesting deletion of an SMA condition regarding installation of a turn lane...turn storage lane for Tamura's Plaza at 91 East Lipoa Street, and this morning we have Mr. Keith Scott.

F. COMMUNICATIONS

- 1. MR. WAYNE I. ARAKAKI of WAYNE I. ARAKAKI ENGINEERING, LLC on behalf of GKT AT LIPOA LLC requesting a deletion of an SMA condition regarding the installation of the left turn storage lane for the proposed Tamura's Plaza situated at 91 East Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2016/0041) (K. Scott)**

Mr. Keith Scott: Good morning Commissioners. Permit SM1 2006/0041[sic] was originally approved as Pacific Plaza in 2007 and included a provision for a left-turn pocket or left-turn storage lane. Subsequently in 2012, the permit was transferred to current permittee retaining original conditions of approval. In 2014 the Commission approved a redesign of the site to accommodate Mr. Tamura's needs. Even though the traffic report for the 2014 redesign did not require a left-turn pocket the permit was not amended to remove the requirement. Wayne Arakaki of Arakaki Engineering representing Mr. Tamura has requested the requirement be eliminated. Mr. Arakaki is here and would like to provide some additional detail.

Mr. Wayne Arakaki: Good morning, Commission. My name is Wayne Arakaki, I'm a civil engineer. I started on this project after the SMA got approved and then was working on the construction plans. And there was a problem with the left-turn lane, the second picture please, this is Lipoa Street and Tamura's Plaza is located here. This is a Kihei Office...Professional Office Building, or Kihei Plaza and this is Haggai Institute up here. Okay, next slide. Kihei Plaza, I'm really old but I worked on this project in the 70's and you know we did a two-foot road widening on Lipoa Street and some road widening on South Kihei Road. This was the first

commercial project on Lipoa Street everything else was vacant. There was nothing built, yeah. And this Kihei Plaza was actually used, was for office space so it wasn't for retail. So it was mainly for office space and it's a quite large project, but you know, a left-turn lane wasn't required but that was in the mid 70's. Okay, next slide. Another project which I worked in was called the Maui Sun Hotel and eventually Haggai Institute purchased this but we had to do left-turn lanes here because you know, it was hotel in this area. And we did the left-turn lane and there was roadway dedications that was granted along Lipoa Street because you know, we have to make it wider. And at that time, improvements had to be done also so we had put curb, gutters and sidewalks along Lipoa Street. Haggai was here and Kihei Plaza was here and there was nothing over here. This was all vacant land.

Right now this is the Tamura's lot here and this is the Kihei Quick Stop. This belong to the I believe was the Kikuyama family and what they did was they followed the same roadway as the Kihei Plaza which was located at the corner so the street going uphill and if you can see here there's a transition that's when the road right-of-way changed. So we had to give another five feet to go back to make Lipoa Street wider. When did Tamura's Plaza the entry to the plaza had to be located here. This is right across that Kuapapa Place. I guess, you know, ...(inaudible)...intersection is just to align that. So this was done, but what happens is that here we have Kihei Quick Stop store, retail store, the driveway is here, then what happens is that you get limited area to do your left-turn lane. So that was a problem that was, I guess was...wasn't taken into account was unforeseen. On this area here there is five feet road widening that is dedicated to the County to make the road wider that was taken from part of the land from this area here. Next. If you can see that this is the South Maui Center and if you notice this is the current right-of-way and then this is the transition point. Mr. Tamura is gonna widen this up to this here and we stop because you know, this project, you know, there's no additional roadway dedication that we can get unless it's I guess what condemnation or whatever. But this is what it is.

The improvements on this road is that we're gonna relocate the curb, gutters and sidewalks. The power poles come into play because it's all on the side of this, the sidewalks so we're gonna do that and we have to extend the fire hydrant because the road is going to get wider. Okay, next one. That's the end of our presentation.

Mr. Scott: I should comment that the traffic study for Tamura's Plaza indicates that with or without the project the level of service at this area is gonna be either A or B so it's gonna be quite acceptable with or without a left-turn lane.

Chair Ball: Okay, with that we will take public testimony now at this time. Anyone that would like to testify at this time may do so. Please identify yourself.

Mr. Mike Moran: Aloha Commissioners, Mike Moran for the Kihei Community Association. To get back into what some Commissioners consider are normal status we have some objections here. This request to delete the requirement for left-turn pocket on Lipoa at 91 East Lipoa the only changes we are aware of in traffic conditions is that they are worsening. More people, more building, more traffic so to eliminate something that would improve traffic seems

counterproductive.

We hear the professional justification for why we should remove it. We can only offer what we get from the community and what we see as residents of the area. As Kihei continues to grow filling in this lot as another example we have an ever growing number of motor vehicles. The two through roads in the area Piikea and Lipoa between South Kihei Road and the Piilani Highway are each just two lanes and Lipoa is the narrower one. Left-turns from the uphill side to the growing commercial area back up the single car lane which a pocket would help relieve. Many of the existing retail businesses such as restaurant, a gym, yoga studio generally have patrons remain longer than a retail liquor store which indicate quick turnover clientele and greater need of this for through traffic allowance. Further without it the resulting vehicle backup would induce drivers as they do now to pull onto the shoulder to pass on the right making it even more dangerous for bicyclists in an area who are prohibited from cycling on the sidewalk as this is a commercial area. Therefore, KCA asks the Commissioners to oppose this request. Mahalo.

Chair Ball: Any questions for the testifier? None. Thank you. Would anyone else like to testify at this time? Seeing none, public testimony is closed. Let's get the recommendation, Keith.

Mr. Scott: The Department recommends approval of the request.

Chair Ball: Okay, questions from the Commission? I guess I have a question. So in the original application it was a requirement and is this a requirement from Public Works or...

Mr. Scott: Actually the condition of approval said as offered by the applicant a left-turn lane will be built. But it said nothing about any requirement.

Chair Ball: Oh, Public Works?

Ms. Dagdag-Andaya: Chair, so when this issue came before us a few months ago I looked into the Committee, the Planning Commission's meeting minutes of I think back in 2006 and there was no requirement from Public Works at that time to have this left-turn lane. It was merely just offered by the applicant. So it became a condition of the Planning Department so it was never a Public Works condition. But they are doing other improvements widening the road, doing the sidewalk, relocating utilities. It's just that we've never required them to do that left-turn.

Chair Ball: Okay. Commissioner Hudson?

Mr. Hudson: Hi Rowena. Is it, did something preclude them from putting in that collector lane over there. Is it forbidden? Is it, please explain to me why it can't be done?

Ms. Dagdag-Andaya: I think there was some right-of-way issues, the size and the ability to fit a left-turn lane. Mr. Arakaki I think can explain it a lot better than I can but I think it was just they couldn't fit that lane, that left-turn lane in.

Mr. Hudson: So the denial of the lane of the lane didn't come from you?

Ms. Dagdag-Andaya: No, it never came from Public Works.

Mr. Hudson: Okay.

Chair Ball: Continue.

Mr. Hudson: Please explain to me why this is denied in layman's terms.

Mr. Arakaki: When we were, you know, trying to lay out the left-turn lane we were having some problems so I took the plans up to Engineering and I talked to one of the engineers, Nolle and then he tried to figure it out and he told me it can't fit. So that's why I'm here today.

Chair Ball: Is there other left-turn storage lanes on that Lipoa?

Mr. Arakaki: Way back when, like when I was doing Maui Sun that's the only other left-turn which is—

Chair Ball: Way up at the top.

Mr. Arakaki: --yeah, it's on the top.

Chair Ball: 'Cause I hate to create one in this little area. Further comments? Is there a motion then? Commissioner Medeiros?

Mr. Medeiros: I move to accept the recommendation of Planning.

Mr. Hudson: I second.

Chair Ball: Second by Commissioner Hudson. Further discussion? Commissioner Medeiros?

Mr. Medeiros: I drive Lipoa every single day. As you guys know I live in Kihei. You know, the applicant made the offer, they tried to make good on the offer, it just doesn't fit, you know. I don't see a significant impact. It's just gonna be Kihei roads as usual, you know what I mean. So I've lived with it this long, I can live with it another 20 years, God willing.

Chair Ball: Further comments? Seeing none, all in favor of the motion raise your hand, and say, "aye"?

Mr. Spence: That's five ayes.

Chair Ball: Motion carries.

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

**VOTED: To Accept the Recommendation of the Department for the Deletion of SMA Condition Regarding Installation of the Left Turn Lane.
(Assenting - J. Medeiros, L. Hudson, I. Lay, W. Hedani, R. Higashi)
(Excused - S. Duvauchelle, K. Robinson, M. Tsai)**

Chair Ball: Okay moving onto the acceptance of the Action Minutes of March 8, 2016 meeting.

G. ACCEPTANCE OF THE ACTION MINUTES OF THE MARCH 8, 2016 MEETING

Mr. Lay: So move.

Mr. Medeiros: Second.

Chair Ball: Moved by Commissioner Lay, second by Commissioner Medeiros. Any discussion? Seeing none, all in favor raise your hand and say, “aye”.

Commission Members: Aye.

Chair Ball: Five ayes.

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

**VOTED: To Accept the Action Minutes of the March 8, 2016 Meeting.
(Assenting - I. Lay, J. Medeiros, L. Hudson, W. Hedani, R. Higashi)
(Excused - S. Duvauchelle, K. Robinson, M. Tsai)**

Chair Ball: H-1, Director's Report.

Mr. Spence: Okay, Commissioners we have a request by Mr. Roderick Fong, the General Partner of Maui Waiohuli Partners, they are requesting a two-year time extension on the SMA Permit to initiate construction of the Hoonani Subdivision and Mr. Keith Scott is Staff Planner this morning. One is the Commission...this is to acknowledge receipt of the request and also you may decide whether to waive review. You may choose to want to review the time extension request or you may waive review and just let the Planning Department decide on it. Take it away Keith.

H. DIRECTOR'S REPORT

- 1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension request administratively:**

MR. RODERICK FONG, General Partner of MAUI WAIHOLI PARTNERS requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the Hoonani Subdivision, 27 residential lots at TMK: 3-9-001: 007, Kihei, Island of Maui. (SM1 2008/0024) (K. Scott)

Mr. Keith Scott: Hello again. This project originally approved in 2009, and has received an extension or two since then. Mr. Fong is here and would like to provide some idea as to why he needs an additional extension.

Mr. Roderick Fong: Mr. Chairman and Members of the Commission, my name is Roderick Fong, General Partner of this hui since the late 70's. This is our third two-year time extension and it is just a process and it was approved at the end of 2009. When we received our approval the issue was Show Me the Water. You know there was no, you know, way to develop this without Show Me the Water. By 2011, Mike Victorino proposed or there was this ordinance change in Show Me the Water with 100 percent affordable. So we worked with the Housing Department and got a agreement to have 100 percent affordable project here of ...we're doing 27 lots that's adjacent to existing homes in the area. We didn't change zoning so it's still the...I know it's 2, R-2 which is 7,500 square foot minimum.

When we got our...when we received our approval for affordable housing there was a process getting Water Department to sign a allocation letter. They had issues both with you know, what was going on with that project and this affordable housing ordinance that was just approved. So we finally in 2014, end of 2014 we had a pretty big meeting with Public Works and Water Department and was able to get the approval allocation letter from the Water Department and then also we have to revise the Housing agreement to meet the current standards, mostly financing, financing issue about foreclosures and things like that. So we just received our recorded housing amendment and then we're asking for a two-year extension. My engineer is Wayne Arakaki and we're hoping to have the civil drawings signed this year.

With...we're going through the process with Planning, we're going through the process with SHPD, no...is that correct? And we're going through the process with all the departments that's covered on this SMA to get the approvals for this as well as the homes designs that will be placed on the lots. If there's any questions?

Chair Ball: Okay, does that conclude your presentation?

Mr. Scott: Yes.

Chair Ball: Okay, we will open it up for public testimony at this time. Anyone who would like to testify may do so. Seeing none, public testimony is closed. Shall we get the recommendation then from Keith or Director?

Mr. Spence: Commissioners so there's two things. One this is an FYI, we've received this request. Really the decision is whether you want to let the Director handle the time extension or

if want to see, you want to review it yourselves.

Chair Ball: Commissioner Medeiros?

Mr. Medeiros: Move to waive review.

Mr. Higashi: Second.

Chair Ball: Second by Commissioner Higashi. Discussion? Commissioner Hudson?

Mr. Hudson: It has been my experience that sometimes the County takes a little long. I will defer to your Planning Department because you guys know the way.

Mr. Spence: Thank you for vote of confidence. I agree it takes...some things take a very long time and very often, you know, the delays are to no fault of an applicant. Laws change, circumstances change, it's unfortunate even affordable projects get stuck between different circumstances.

Chair Ball: Commissioner Medeiros?

Mr. Medeiros: Yeah, I'm deferring to the Planning Director. Hopefully he will approve the time extension because anything concerning affordable housing, anything concerning affordable housing, you know will get my vote.

Chair Ball: Director?

Mr. Spence: Just another comment. If this applicant has to go back through the SMA process typical, typical...and this is just being an affordable housing subdivision probably the SMA application probably cost a little bit less than some. So say it cost \$50,000 over the course of 27 lots that would be an additional \$1,800 per lot to ...(inaudible)...just to cover the cost of another SMA permit. So that sorta to me that sorta defeats the idea of affordable housing. It just adds to the cost of housing. Our planning process...(inaudible)...that was a number I pulled out of the air ...(inaudible-not speaking into the mic)...we would like to see this property go somewhere.

Chair Ball: Commissioner Lay?

Mr. Lay: If I might pose a question to the Director with all his experience. Is there any we can make this better? I mean, make this process a little cheaper especially for affordable housing when we want to see these things happen without the cost being incurred on the people who's trying to buy it at affordable prices?

Chair Ball: Director?

Mr. Spence: Certainly one of the ways to make it...streamline the process because the Special

Management Area is State Law you would have to change State Law to streamline it. We can do certain things within your rules that's for sure. We're always looking to those kinds of way. We're also starting to take a look at the SMA boundaries on Maui. It will be a while before we come to you. We're starting with Lanai and possibly Molokai. 'Cause some things you know we have the Special Management Area in some places very large without any...(inaudible)...a good reason. We have other areas that are very, very small also without a good reason. So we wanna adjust those boundaries so some projects may not even have to go through this process at all. It's just, it's specific for the coastal area and for...(inaudible)...you know everybody wants to live next to the coast. So the SMA you know the process will continue on and you have some boundaries that make sense.

Chair Ball: Commissioner Higashi?

Mr. Higashi: I totally agree that with the other Commissioners that affordable housing is very short. I mean, we need...it's high in demand and so we need to expedite it as fast as possible.

Chair Ball: Further comments? Seeing none, all in favor of motion raise your hand and say, "aye".

Commission Members: Aye.

Mr. Spence: Five ayes.

Chair Ball: Okay, motion carried. Moving on.

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

**VOTED: To Acknowledge Receipt of the Request and Waive Its Review of the Time Extension.
(Assenting - J. Medeiros, R. Higashi, L. Hudson, I. Lay, W. Hedani)
(Excused - S. Duvauchelle, K. Robinson, M. Tsai)**

Chair Ball: H-2, Director?

Mr. Spence: Okay, Commissioners we are also notifying you that we issued an SMA Emergency Permit and Mr. Keith Scott, it's Mr. Keith Scott day.

2. Notification of the issuance of the following Special Management Area (SMA) Emergency Permit:

March 3, 2016-SMA Emergency Permit approval letter to MAUI LAND AND PINEAPPLE COMPANY for emergency seawall stabilization and repair at TMK: 4-2-004: 025, Kapalua Bay, Island of Maui. (SM3 2016/0003) (SSA 2016/0017) (K. Scott)

Mr. Spence: We issued a Emergency Permit to Maui Land and Pine for an emergency seawall stabilization at Kapalua Bay.

Mr. Keith Scott: And what I passed out is a short synopsis as well as some pictures of before and a couple pictures after. February 24th we were requested to issue an SMA Emergency Permit to stabilize a seawall. It's up by Merriman's. Staff went and actually saw it. The area has now been secured as you can see from the pictures and the property owner is to develop a long-term solution that provides safe pedestrian access to the various and resort amenities including removing the seawall and relocation of pedestrian walkways including ADA access to the beach at Kapalua Bay. I should note that the seawall really is not protecting anything which is why we are pushing to have it completely removed.

Chair Ball: Sounds good. Director?

Mr. Spence: Commissioners, this is just for your information. There's no action to be taken on this. You will see, it sounds like you're gonna see a SMA possibly major permit in the future, possibly shoreline setback variance. We'll see how this works.

Mr. Lay: I have a comment.

Chair Ball: Okay, Commissioner Lay?

Mr. Lay: This last weekend I don't know if you guys have been to the other side. It's really, really, really bad. There's places where there's a 100 yard beach it's right up against the sidewalk. Places like the old Embassy Suites trees are falling in the ocean and everything like that. So we gotta come up with some kind of system. For me it's like the T-groins where you get some way to stop the surge of taking away of the sand. It's gotta slow down because it's gonna be nonstop if this continues. We gotta work on some kind of way to I don't know mitigate it to help out because we're gonna find hotels falling in the ocean and Italy is gonna be here.

Mr. Scott: Fortunately, most of these beaches will recover themselves over this next period during the summer. That's when the south swells come in and typically sand will reaccumulate at these locations. It is pretty dire. We have had super Niño this current year and as you indicated there were a couple of very large swells. I'll actually be going out to that side of the island tomorrow. Couldn't go today because I had to be here, but we'll go out tomorrow and do a little bit assessment.

Chair Ball: Commissioner Lay.

Mr. Lay: You will be amazed. I freaked out. I went to get a beach pass at the hotel. No sense getting a beach pass 'cause there's no beach.

Chair Ball: Black Rock. No beach at Black Rock right now. Okay, any other comments on that? Moving on.

Mr. Spence: Okay, Commissioners we are on Item H-3, designating to the Hana Advisory Committee the public hearing for a bed and breakfast in Hana.

3. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and provide its recommendation on the following application:

MR. KAUALANI and MS. SANDRA WOESSNER requesting a Bed and Breakfast Permit in order to operate Kaua's Bed and Breakfast, a four (4)-bedroom bed and breakfast located in the R-1 Residential District, TMK: 1-4-014: 017, Hana, Island of Maui. (BBHA T2015/0002) (G. Flammer)

There is a permitted bed and breakfast located within 500 ft. of the subject property

Mr. Spence: So that's Mr. Kaulani and Ms. Sandra, I wanna say Woessner. They're requesting a Bed and Breakfast Permit in Hana in the R-1 Residential District. Staff Planner Gina Flammer isn't here. Basically the action before the committee is to designate the hearings body to be the Hana Advisory Committee. So they hold the public hearing out there, they make a recommendation and it comes back to this committee, commission to approve or deny or approve with conditions.

Mr. Medeiros: So move.

Chair Ball: Motion by Medeiros.

Mr. Higashi: Second.

Chair Ball: Second by Higashi. Further discussion? Commissioner Lay?

Mr. Lay: I agree the Hana people out there, they're in touch with what's going on out there and they have the best opinions to share with us.

Chair Ball: Any other comments? Seeing none all in favor, raise your hand and say, "aye"?

Commission Members: Aye.

Mr. Spence: Six ayes.

Chair Ball: Motion carries.

Mr. Spence: And just for the record, I note that Commissioner Max Tsai is here that's why we have six ayes.

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

**VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing and Provide Its Recommendation.
(Assenting - J. Medeiros, R. Higashi, L. Hudson, M. Tsai, W. Hedani)
(Excused - S. Duvauchelle, K. Robinson)**

- 4. SMA Minor Permit Report**
- 5. SMA Exemptions Report**

Mr. Spence: Commissioners you also have your SMA Minor Report and SMA Exemption Report.

Mr. Lay: Motion to accept.

Chair Ball: Motion by Commissioner Lay.

Mr. Medeiros: Second.

Chair Ball: Second by Medeiros. Any discussion? Seeing none, all in favor raise your hand and say, "aye"?

Commission Members: Aye.

Chair Ball: Is that everybody? Six ayes.

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

**VOTED: To Accept the SMA Minor and SMA Exemptions Reports.
(Assenting - I. Lay, J. Medeiros, L. Hudson, M. Tsai, W. Hedani,
R. Higashi)
(Excused - S. Duvauchelle, K. Robinson)**

Chair Ball: Future Commission Agenda.

- 6. Discussion of Future Maui Planning Commission Agendas**
 - a. April 12, 2016 meeting agenda items**

Mr. Spence: So Commissioners your next meeting is on April 12. We are going to have two new commissioners, Mr. Lawrence Carnicelli and Mr. Stephen Castro. At that time we'll also elect the Chair and Vice-Chair for the 2016-2017 year. We will start with the Orientation Workshop covering a number of topics. This may change a little bit as we do some adjustments within the Department. And then you're gonna have one public hearing item, actually no, there's five public hearing items. One is Mr. Brian McFarland requesting an SMA Permit for a proposed retail restaurant building renovations at Maui Maui. There's a couple of Council

Resolutions to be reviewed one related to transient vacation rentals in planned developments, another bill related to composting in the County Agricultural Districts and even a third one is proposed bill to regulate agricultural tourism activities in the Ag District. Then the fifth one is Mr. Arturo Wesley of Kulamalu Market LLC they're requesting a Land Use Commission Special Use Permit and a Conditional Permit to open up, to reopen the neighborhood market out there in Haiku on Hana Highway. There will be Communications Ms. Anne Takabuki on behalf of Wailea Golf LLC they're requesting a transfer of a Conditional Permit. So what you'd be doing is reviewing that and making a recommendation to Council. And then Director's Report for ATC Makena Holding there's going to be discussion of the applicant's request to have ...for the commission to schedule a site visit to go take a look at the site. That's the Makena project.

Chair Ball: Okay. Next meeting will April 12. Make a note of that that's actually three weeks away not two weeks away and before adjourn I'd like the Planning Department, I know it's a state issue but the Honoapiilani Highway needs to be addressed by the Mayor's Office and this Department and the State because it is getting worse and it's backing up every day all the way to Maalaea and I don't know why the County of Maui puts up with that on a major state highway that transports everything on that highway to the west side and it's injustice to the west side people to have to put with that and everybody that works there and all the tourists that travel that road every day. Something needs to be done about that immediately.

Mr. Spence: I know Commissioner Medeiros drives that road every day.

Chair Ball: Every day.

Mr. Medeiros: I used to.

Chair Ball: With that any last comments from Commissioner Lay?

Mr. Lay: Again, thank everybody and this won't be the last you'll be seeing me. I'll probably be there testifying on projects that have my concerns. Thank you.

Chair Ball: Three minutes. Okay, well thank you very one. We're coming to the end. Meeting adjourned.

I. NEXT REGULAR MEETING DATE: APRIL 12, 2016

J. ADJOURNMENT

The meeting was adjourned at 11:20 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball, Chair
Wayne Hedani
Richard Higashi
Larry Hudson
Ivan Lay
Jason Medeiros
Max Tsai, Vice-Chair (in attendance at 11:05 a.m.)

Excused

Sandy Duvauchelle
Keaka Robinson

Others

Will Spence, Director, Planning Department
Gary Murai, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works