

LU Committee

From: Lester Yano <liyano@hotmail.com>
Sent: Monday, March 13, 2017 11:49 AM
To: LU Committee
Subject: Wailuku Heights Extension II Homeowners Association - Testimony in Opposition of Lona Ridge Conditional Use Permit
Attachments: 2017-03-13 HOA ltr to Land Use Committee re Opposition.pdf

Attached is the written testimony from the Wailuku Heights Extension II Homeowners Association in opposition of the Lona Ridge Conditional Use Permit Application to allow Lona Ridge to host special events such as corporate meetings, weddings, and filming.

Regards,
Lester I. Yano
President, Board of Directors
Wailuku Heights Extension II Homeowners Association



March 13, 2017

Via Email: lu.committee@mauicounty.us

Maui County Land Use Committee

Re: Wailuku Heights Extension – Unit II Homeowners Association (“WH II HOA”)
Opposition to Lona Ridge Conditional Use Permit Application

Dear Committee Members,

WH II HOA submits this written testimony in opposition of the application by Leona Wilson for a Conditional Use Permit to allow her to host on her property at 588 Kulaiwi Drive, Wailuku, Hawaii 96793 (the “Property”) events such as corporate meetings, weddings, non-profit events, day retreats, and filming (“Special Events”). Such commercial activities will adversely affect the surrounding property because they are incompatible with the surrounding residential neighborhood, and will create significant, adverse traffic, safety, and noise impacts. Because of these concerns, the vast majority of WH II HOA members strongly oppose this permit application (75% of the respondents to a WH II HOA 2016 survey, versus only 2 respondents supporting the permit).

Wailuku Heights II is a residential subdivision created around 1987 where people choose to live because of the peace, quiet, and tranquility of the neighborhood. In order to increase the economic value, desirability, and attractiveness of the neighborhood, the developers created the Protective Covenants, Conditions, and Restrictions for Wailuku Heights Extension – Unit II (“CC&Rs”), which among other things, prohibits the use of any lot for business or commercial activity. For many years the residents enjoyed this quiet lifestyle. But then, in 2005, Applicant moved into the neighborhood. The Property was created by combining one of the 130 lots located in Wailuku Heights II with land outside of Wailuku Heights II. However, in the deed to the Property, Applicant explicitly acknowledged the CC&Rs apply to the WH II HOA lot, and promised to obey the CC&Rs. Despite these promises, Applicant now contends these CC&Rs are not applicable.

Although Applicant and her then husband wrote to the WH II HOA that they were very private people who only wanted to be good neighbors, the exact opposite has occurred. For 4 years the residents of Wailuku Heights II and the surrounding neighborhood had to endure thousands of trucks travelling up and down Kulaiwi Drive removing truckloads of soil and debris, hundreds of trucks bringing in cement, construction material, and workers, and the daily noise from construction and heavy equipment so Applicant could carve out the mountainside to create her estate. And, just when it seemed that peace and quiet would return to the neighborhood and despite her promise that she would obey the CC&Rs which prohibit commercial activities, Applicant announced she wanted to make her Property into a tourist destination.

Besides the incompatibility of the Special Events to the surrounding residential neighborhood, adverse traffic and safety impacts on Wailuku Heights II cannot be avoided due to the location of the Property. The only access to the Property is by driving up Kulaiwi Drive, a steep (18 degree slope), narrow, winding, poorly lit road that goes through the heart of Wailuku Heights II. Because Kulaiwi Drive ends in a cul-de-sac, there is very little through traffic. Residents, including parents with small children, pets, and strollers, often walk at all hours along Kulaiwi and the other streets of the neighborhood. It is simply not a good thing to

combine pedestrians with speeding drivers who are unfamiliar with the area with a steep, narrow winding, poorly lit road.

WH II HOA residents are also concerned about noise coming from outdoor events with live music, entertainment, and celebratory, boisterous attendees. There are no obstructions to mute or lessen any sound emanating from any Special Event because Applicant flattened the mountainside and removed all of the trees and shrubs. As a result, noise only needs to travel 2000 feet before it engulfs all of the homes located in Wailuku Heights II. Recognizing the possible noise impacts, the Planning Commission is requiring Applicant to grow a hedge around the Property to act as a sound barrier. However, who knows how long it will take these hedges to grow and whether they will actually reduce noise.

Finally, WH II HOA members are concerned because of past instances of noncompliance. The County advised Applicant in 2014 and 2015 that catered events, commercial photography, filming, weddings, or other special events are not allowed on the Property without Special and Conditional Use Permits. Similarly, WH II HOA informed Applicant that the Special Events are prohibited by the CC&Rs she promised to obey when she bought the Property. Despite these warnings, the availability of the Property for use for Special Events has been advertised. As recently as November 2016, days after the hearing where the Planning Commission decided to recommend that the Council approve the permit, advertisements appeared that Lona Ridge would be hosting a Special Event. Applicant withdrew the use of the Property for that event after the County advised the event was not allowed without a permit. As a result of these activities, the County issued two formal Notices of Warning to Applicant, with other requests for service regarding commercial activity at the Property still open. Given the history noncompliance while seeking a permit, residents are concerned about violations if a permit is granted and how any restrictions will be enforced.

The WH II HOA is not opposed to Applicant's desire to host some activities such as hula practices or school farm tours. However, it should be clear from Applicant's testimony to the Planning Commission that the reason Applicant wants to host these Special Events is to make money. As she testified to the Planning Commission, "the cost of running [Lona Ridge] is humongous". And, there is no need for another place to host Special Events in central Maui because there are already many venues in central Maui that are not located in the middle of established residential neighborhoods. Further, the WH II HOA is unaware of the Council approving any conditional use permit for a commercial enterprise that is accessible only through a residential neighborhood. The desire to exploit agricultural lands for non-agricultural purposes solely so one resident can make money at the expense of many others is not a justification for creating such turmoil.

Unfortunately, Applicant's desire to host these commercial activities has created an enormous amount of friction and dissension within the community. In the hope of restoring some harmony to the community, WH II HOA urges you to heed the desires of the majority of the local homeowners. These Special Events will adversely affect the surrounding property. They are incompatible with the surrounding residential neighborhood and will cause significant, adverse traffic, safety, and noise impacts. Finally, please consider also Applicant's written promise to obey the CC&Rs prohibiting these types of commercial activities. Please deny Applicant's Conditional Use Permit Application, otherwise the only people who will benefit will be the lawyers.

By 
Lester I. Yano, President
Wailuku Heights Extension – Unit II
Board of Directors