

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING

COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 25, 2020

RECEIVED
2020 FEB 26 AM 10:11
OFFICE OF THE MAYOR

OFFICE OF THE
COUNTY CLERK

2020 FEB 28 AM 10:13

RECEIVED

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 2/27/20
Mayor Date

For Transmittal to:

Honorable Alice L. Lee, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

SUBJECT: COUNCIL RESOLUTION 18-195 (CIZ 2019/0001)

The Department of Planning (Department) is transmitting for your review and action the proposed Change of Zoning (CIZ) summarized as follows:

PROPOSAL	
Action	CIZ
Applicant	Not applicable (the matter was initiated by Former Council Chair Michael White)
Owner	Ferreira Family Partners, L.P.
Tax Map Key	(2) 3-9-004:141
Address	Off of South Kihei Road/Kilohana Drive, Kihei, Island of Maui, Hawaii
Area	Approximately 6.943 acres
Current Land Use Designations	State Urban District Maui Island Plan: Urban Growth Boundary/Outside Protected Areas Kihei-Makena Community Plan: Single Family Title 19, Zoning: Open Zone. When processing the CIZ, the Department inadvertently indicated that a portion was R-3 Residential District and has since re-confirmed that it is Open Zone. Other: Within Special Management Area (SMA)

COUNTY COMMUNICATION NO. 20-191

Honorable Michael P. Victorino, Mayor
 For Transmittal to:
 Honorable Alice L. Lee, Chair
 February 25, 2020
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Brief Description	<p>Aina Lani Pacific LLC and Lehua Builders, Inc. are proposing the Kilohana Makai Workforce Housing Project on a 6.943-acre parcel of land in Kihei, located off of South Kihei Road and Kilohana Drive. The project will consist of 28 single-family units with lot sizes ranging from 6,000 to 7,499 square feet, consistent with R-1 Residential zoning standards, appurtenances, road way and infrastructure improvements and landscaping. One accessory dwelling will be allowed per lot. Access will be off of Wela Street, with connection to Ala Koa Street, which leads to South Kihei Road.</p> <p>For land use and zoning consistency, a Change of Zoning from Open Zone to R-1 Residential District is proposed.</p>
Public Hearing	<p>Held by Maui Planning Commission (Commission) on November 26, 2019, in Wailuku, Maui, Hawaii.</p>
Testimony	<p>Nine people provided oral testimony in opposition to the project, including members of the Kilohana Ridge Homeowner’s Association, Maui Hill and the Papali Wailea subdivision.</p> <p>One letter in support of the project was received. Twelve letters of protest were received. The letters were from members of the Kilohana Waena, Kilohana Mauka, and Keawakapu Views subdivisions.</p>
Recommendation	<p>The Commission recommended approval of the subject proposed bill.</p>

The Commission reviewed the subject proposal at its November 26, 2019, public meeting and recommended approval of the CIZ (2019/0001) with one condition on zoning to the Maui County Council (Council):

1. In accordance with the Workforce Housing Agreement executed with the Department of Housing and Human Concerns, the property shall not be developed for any purpose other than residential workforce housing units pursuant to the income distribution requirements of Section 2.96.040(c), Maui County Code.

As Council approval is required, the Department respectfully transmits the subject application to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, “A BILL FOR AN ORDINANCE TO CHANGE

Honorable Michael P. Victorino, Mayor
For Transmittal to:
Honorable Alice L. Lee, Chair
February 25, 2020
Page 3

THE ZONING FROM OPEN ZONE TO R-1 RESIDENTIAL DISTRICT
FOR 6.943 ACRES IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX
MAP KEY (2) 3-9-004:141;”

2. Department of Planning Report and Recommendation, including agency comments, to the Commission dated November 26, 2019;
3. Adopted Minutes of the November 26, 2019, Commission meeting;
4. Letter dated February 11, 2020, regarding Maui Planning Commission’s “Amended Recommendation of Approval of a Change of Zoning from Open Zone and R-3 Residential District to R-1 Residential District for the Proposed Kilohana Makai Workforce Housing Project on Approximately 6.943 Acres of Land, Located in Kihei, Maui, Hawaii; TMK: (2) 3-9-004:141 (CIZ 2019/0001);”
5. Miscellaneous written public testimony received prior to the Commission meeting on November 26, 2019, and not included in the Department’s Report and Recommendation.

Thank you for your attention to this matter. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely, -



MICHELE MCLEAN, AICP
Planning Director

Attachments

xc: Maui Planning Commission Members (PDF)
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Ann T. Cua, Supervising Staff Planner (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Project File

MCM:TKF:rma

K:\WP_DOCS\Planning\CIZ\2019\0001_6.943AcresS.Kihei\StaffReportToDecision\TransmittalToCouncil.doc

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM OPEN ZONE TO R-1 RESIDENTIAL DISTRICT FOR 6.943 ACRES IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 3-9-004:141

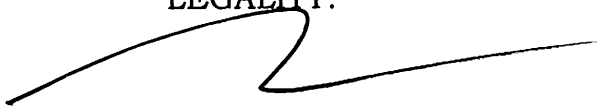
BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from Open Zone to R-1 Residential District is hereby granted for that certain real property situated at South Kihei Road, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:141, as more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-____, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and made a part hereof.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2019-2064
2019-12-31 Ordinance CIZ

EXHIBIT "A"

All of that certain parcel of land (being all of the land(s) described in and covered by Land Patent Grant Number S-15,636 issued to Seibu Hawaii, Inc., a Hawaii corporation) situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being PARCEL 7, same being a portion of the government land of Kamaole and thus bounded and described:

Beginning at the southwest corner of this parcel of land, the northwest corner of Grant A-14699 to Robert H. and Nadine Hughes and on the east side of Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POU-O-KALI" being 9982.31 feet south and 19,955.43 feet west, thence running by azimuths measured clockwise from true South:

1. Along the east side of Kihei Road on a curve to the right with a radius of 1879.86 feet, the chord azimuth and distance being: 172° 38' 25" 80.47 feet;
2. 265° 23' 100.00 feet along Sewerage Pump Station No. 8;
3. 175° 23' 99.51 feet along Sewerage Pump Station No. 8;
4. 85° 23' 100.00 feet along Sewerage Pump Station No. 8;
5. Thence along the east side of Kihei Road on a curve to the right with a radius of 1879.86 feet, the chord azimuth and distance being: 180° 00' 30" 203.87 feet;
6. 183° 07' 696.26 feet along the east side of Kihei Road;
7. Thence along the remainder of Government Land of Kamaole on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: 215° 00' 21.13 feet;
8. 246° 53' 197.85 feet along remainder of the Government Land of Kamaole;
9. 354° 54' 1292.80 feet along Grant 5008 to Henry Waterhouse Trust Co., Ltd.;

- | | | | | |
|-----|------|-----|--------|--|
| 10. | 65° | 52' | 63.47 | feet along Grant 548 to J. Y. Kanehoa; |
| 11. | 174° | 54' | 164.06 | feet along Grant 10297 to H. F. Rice; |
| 12. | 84° | 54' | 257.09 | feet along Grant 10297 to H. F. Rice and Grant S-14699 to Robert H. and Nadine Hughes to the point of beginning and containing an area of 6.943 acres, more or less. |

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : SEIBU HAWAII, INC., a Hawaii corporation

GRANTEE : GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, husband and wife, as Tenants by the Entirety

DATED : September 6, 1990

RECORDED : Document No. 90-139471

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : LAND PATENT GRANT NUMBER S-15,636

The foregoing includes, but is not limited to, matters relating to reservation in favor of State of Hawaii of all minerals, surface and ground waters and prehistoric and historic remains

3. Perpetual non-exclusive access and utility easements as shown on plan attached to Land Patent Grant Number S-15,636.

4. Reserving to the State of Hawaii, its successors and assigns, perpetual non-exclusive access and utility easements as shown on plan attached to Land Patent Grant Number S-15,636.

5. GRANT

TO : JEROME S. KATZIN, as Trustee of Tower Development Corporation Liquidating Trust

DATED : January 14, 1988

RECORDED : Liber 21527 Page 650

GRANTING : a perpetual and non-exclusive easement in, over, under and across that certain parcel of land, being more particularly described as follows:

PERPETUAL NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT
Kamaole, Wailuku (Kula), Maui, Hawaii

Being a portion of Government Land of Kamaole.

Beginning at the northwest corner of this easement and on the east side of South Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being 8,792.90 feet south and 19,929.79 feet west, thence running by azimuths measured clockwise from true South:

1. Along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

305° 00'	33.96	feet;
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2. 246° 53' 168.09 feet along the remainder of the Government Land of Kamaole;

3. 354° 54' 503.09 feet along Grant 5008 to Henry Waterhouse Trust Company, Limited;

4. 84° 54' 44.00 feet along the remainder of the Government Land of Kamaole;

5. 174° 54' 384.39 feet along the remainder of the Government land of Kamaole;

6. Thence along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being;
- 120° 53' 30" 48.55 feet;
7. 66° 53' 110.28 feet along the remainder of the Government Land of Kamaole;
8. Thence along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 20.0 feet, the chord azimuth and distance being;
- 35° 00' 21.13 feet;
9. 183° 07' 111.48 feet along the east side of South Kihei Road to the point of beginning and containing an area of 32,016 square feet, more or less.

ABOVE GRANT BY NESNE ASSIGNMENTS WAS ASSIGNED

TO : KILOHANA MAUKA ASSOCIATION, INC., a Hawaii non-profit corporation

DATED : January 9, 2003

RECORDED : as Document No. 2003-228679

CONSENT : Given by the STATE OF HAWAII, by its Board of land and Natural Resources, by instrument dated October 16, 2003, recorded as Document No. 2003-228680

6. GRANT

TO : WAILEA IKI SUBDIVISION PARTNERSHIP, a Hawaii Limited Partnership

DATED : July 14, 1993

RECORDED : Document No. 93-136165

GRANTING : non-exclusive and perpetual easement for access and utility purposes, in, over, under and across Part B, being more particularly described as follows:

Being a portion of Grant S-15636 to Seibu Hawaii, Inc.

Being also portion of the perpetual non-exclusive access and utility easement and on the west boundary of Grant 5008 to Henry Waterhouse Trust Company, Limited, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POU O KALI" BEING 8,809.23 feet south and 19,741.77 feet west, thence running by azimuths measured clockwise from true South:

1. 354° 54' 191.09 feet along Grant 5008 to Henry Waterhouse Trust Company, Limited;
2. 84° 54' 44.00 feet along the remainder of Grant S-15636 to Seibu Hawaii, Inc.;
3. 174° 54' 135.48 feet along the remainder of Grant S-15636 to Seibu Hawaii, Inc.;
4. Thence along the remainder of Grant S-15636 to Seibu Hawaii, Inc., on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:

 120° 53' 30" 48.55 feet;
5. 246° 53' 87.57 feet along the Government Land of Kamaole to the point of beginning and containing an area of 8,484 square feet, more or less.

ABOVE GRANT WAS MESNE ASSIGNMENTS ASSIGNED

TO : KEAWAKAPU VIEWS COMMUNITY ASSOCIATION, a Hawaii non-profit corporation

DATED : November 1, 1994

RECORDED : Document No. 95-088722

CONSENT : Given by the STATE OF HAWAII, by its Board of Land and Natural Resources, by instrument dated March 31, 1995

7. Pending Civil No. 98-0863 filed in the Circuit Court of the Second Circuit, State of Hawaii; COUNTY OF MAUI, by and through its Director of Finance, "Plaintiff", vs. GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, ET AL, "Defendant"; re: Foreclosure.

8. GRANT

TO : TOWNE BROWN LLC, a Hawaii limited liability company
DATED : July 16, 2001
RECORDED : Document No. 2001-122656
GRANTING : an easement for roadway and utility purposes

ABOVE GRANT AMENDED BY INSTRUMENT

DATED : May 10, 2002
RECORDED : Document No. 2002-088790
RE : description of easements

ABOVE GRANT AMENDED BY INSTRUMENT

DATED : March 26, 2003
RECORDED : Document No. 2003-066248
RE : adding to the Roadway Easement area

9. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII INC.
DATED : March 18, 2003
RECORDED : Document No. 2003-088355
GRANTING : an easement for utility purposes

10. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : WATERLINE EASEMENT AGREEMENT

DATED : June 17, 2003
RECORDED : Document No. 2003-137108
PARTIES : TOWNE BROWN LLC, a Hawaii limited liability company and COUNTY OF MAUI

11. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described herein.

(Note: The death of George P. Ferreira, Jr. on November 6, 2000 at Wailuku, Maui, Hawaii)

END OF EXHIBIT "A"

EXHIBIT "C"

CONDITION TO ZONING

1. In accordance with the Workforce Housing Agreement executed with the Department of Housing and Human Concerns, the property shall not be developed for any purpose other than residential workforce housing units pursuant to the income distribution requirements of Section 2.96.040.C, Maui County Code.

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council
Resolution No. 18-195 for

AINA LANI PACIFIC LLC/LEHUA BUILDERS,
INC.

To Obtain Changes of Zoning from Open
Zone and R-3 Residential to R-1 Residential
for the Kilohana Makai Workforce Housing
Project approximately 6.943 acres of land
located in Kihei, Maui, Hawaii, TMK(s): (2) 3-
9-004:141.

DOCKET NO. CIZ 2019/0001

Aina Lani Pacific LLC/Lehua Builders, Inc.

(T. Furukawa)

DEPARTMENT OF PLANNING
REPORT AND RECOMMENDATION
NOVEMBER 26, 2019 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, HAWAII 96793

Change of Zoning

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Maui County Council
Resolution No. 18-195 for

AINA LANI PACIFIC LLC/LEHUA BUILDERS,
INC.

To Obtain Changes of Zoning from Open
Zone and R-3 Residential to R-1 Residential
for the Kilohana Makai Workforce Housing
Project approximately 6.943 acres of land
located in Kihei, Maui, Hawaii, TMK(s): (2) 3-
9-004:141.

DOCKET NO. CIZ 2019/0001

Aina Lani Pacific LLC/Lehua Builders, Inc.

(T. Furukawa)

DESCRIPTION OF THE PROJECT

This matter arises from Resolution No. 18-195 adopted by the Maui County Council on December 13, 2018 and received by the Department of Planning on December 17, 2018 (**Exhibit 1**). The Resolution was filed pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983) as amended, and Chapters 19.510.020B and 19.510.060 of the Maui County Code (MCC). The Resolution refers to the Maui Planning Commission a proposed bill to change the zoning for a 100 percent affordable workforce housing project, to be referred to as Kilohana Makai, on a 6.943-acre property in Kihei, located off of South Kihei Road and Kilohana Drive at Tax Map Key (TMK) (2) 3-9-004:141. The property is owned by Ferreira Family Partners, L.P. and the Applicants plan on purchasing the property from the family by the end of the year, as per an agreement. A location map, aerial photograph and site plan are included as **Exhibits 2-4**. The zoning change being sought is from Open Zone and R-3 Residential to R-1 Residential (**Exhibits 5-6**).

The project will consist of 28 single-family units with lot sizes ranging from 6,000 square feet to 7,499 square feet in size, consistent with R-1 Residential zoning standards, appurtenances, roadway and infrastructure improvements and landscaping. One accessory dwelling will be allowed per lot. Access will be off of Wela Street, with connection to Ala Koa Street, which leads to South Kihei Road.

It should be noted that because the change of zoning was initiated by the Maui County Council, and because the property is owned by a different entity that is not involved with development of the project, studies prepared in support of the change of zoning are limited. If the change of zoning is approved and the property is proposed for development, a Special Management Area (SMA) Use Permit will be required and detailed studies will be prepared as part of the SMA application.

PROJECT NEED

According to the Hawaii Housing Planning Study, 2016, which was prepared for the County Department of Housing and Human Concerns, for 2015-2025, there is a demand for 13,949 units to own, of which 6,183 are single-family houses. There is a demand in Maui County for 6,709 rental units, with 4,784 for single-family houses. The demand numbers include Hawaii residents who are planning to move to a unit in the ten-year period. Demand is so high because of the high price of housing. The numbers do not account for mover willingness to accept alternatives or financial qualifications. One conclusion of the study is that affordable housing is necessary.

By income level, the greatest single-family housing ownership demand is for 1,122 single-family dwellings for those in the 80 to 120 percent Area Median Income (AMI) range set by the U.S. Department of Housing and Urban Development. There is a demand for 1,032 single-family units for those in the 120 to 140 percent AMI range; 1,022 single-family units for those in the less than 30 percent and 60 to 80 percent AMI ranges; 783 single-family units for those in the 30 to 50 percent AMI range; 610 units in the more than 180 percent AMI range; 368 units in the 140 to 180 percent AMI range; and 234 units in the 50 to 60 percent AMI range.

The greatest single-family housing rental demand is for 1,295 units in the less than 30 percent AMI range; 1,226 units in the 30 to 50 percent AMI range; 1,050 units in the 60 to 80 percent AMI range; 771 units in the 50 to 60 percent AMI range; 239 units in the 80 to 120 percent AMI range; 156 units in the 120 to 140 percent AMI range; 30 units for the more than 180 percent AMI; and 17 units for the 140 to 180 percent AMI range.

DESCRIPTION OF THE PROPERTY

The project area consists of an undeveloped parcel with dried grass, sand, gravel and kiawe trees that is bound by Wela Street, Ala Koa Street, South Kihei Road and Kilohana Drive. The southwestern portion of the property is adjacent to an existing County wastewater pump station and a single-family residential home.

Land Use Designations

- State Land Use DistrictUrban
- Maui Island PlanUrban Growth Boundary/Outside Protected Areas
- Kihei-Makena
- Community PlanSingle Family
- County Zoning.....Open Zone/R-3 Residential
- OtherWithin Special Management Area (SMA)
- FloodZone "X"

Surrounding Uses

- NorthAla Koa Street, Hotel/Vacation Rental/Condominiums
- EastWela Street, Single Family
- SouthKilohana Drive, Public Parking Lot, Open Space, Single-Family
- WestSouth Kihei Road, Single Family, Vacation Rental/Condominium Uses, Conservation

APPLICABLE REGULATIONS

Change of Zoning

A Change of Zoning is reviewed pursuant to MCC Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if all the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,
6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.

Pursuant to MCC Section 19.510.050 Conditional Zoning, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety and welfare. The conditions shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:

1. That the public shall be protected from the potentially deleterious effects of the proposed use; and,
2. That the need for public services created by the proposed use shall be fulfilled.

PROCEDURAL MATTERS

1. On December 13, 2018, the Council of the County of Maui adopted Resolution No. 18-195 proposing to change the zoning designation from Open Zone to R-1 Residential.
2. On December 18, 2018, the Maui Planning Department received the Resolution from the Office of the County Clerk.
3. On March 21, 2019, Department sent a letter to Maui County Council seeking response on whether the Council prefers that more detailed studies are prepared prior for Change of Zoning approval.

4. On April 1, 2019, the Department received a letter from Maui County Council Chair regarding a legal opinion to be sought on the validity of the Resolution.
5. On June 10, 2019, Corporation Counsel issued a letter responding to the Council Chair's letter sent on April 1, 2019. See **Exhibit 33**.
6. On June 18, 2019, the Maui Planning Department transmitted the Resolution to various Federal, State and County agencies for review and comment.
7. On October 1, 2019, the Maui Planning Department emailed the Applicant and consultant, notifying them of the scheduled public hearing.
8. On October 11, 2019, a notice of public hearing on the Change of Zoning was published in the Maui News by the Maui Planning Department for the November 12, 2019 hearing.
9. On October 26, 2019, a Notice of Public Hearing on the Change of Zoning for the revised November 26 public hearing date was published in the Maui News.

REVIEWING AGENCIES)

County

Department of Public Works	Exhibit 7
Response to Public Works	Exhibit 7a
Department of Transportation (No Comments).....	Exhibit 8
Department of Water Supply	Exhibit 9
Department of Environmental Management (No Comments)	Exhibit 10
Fire Department.....	Exhibit 11
Response to Fire.....	Exhibit 11a
Police Department (No Comments).....	Exhibit 12
Department of Parks and Recreation	Exhibit 13
Department of Housing and Human Concerns.....	Exhibit 14

State

Department of Education-Maui (DOE).....	Exhibit 15
Response to DOE.....	Exhibit 15a
Department of Land and Natural Resources (DLNR)-Forestry (No Comments).....	Exhibit 16
DLNR-Engineering Division.....	Exhibit 17
DLNR-State Historic Preservation Division.....	Exhibit 18
Office of Hawaiian Affairs (OHA).....	Exhibit 19
Response to OHA.....	Exhibit 19a
Department of Transportation	Exhibit 20
Department of Accounting and General Services.....	Exhibit 21
Department of Hawaiian Home Lands (DHHL).....	Exhibit 22
Response to DHHL.....	Exhibit 22a
Office of Planning (No Comments).....	Exhibit 23
Department of Health-Maui (DOH).....	Exhibit 24

Response to DOH..... **Exhibit 24a**

Other

Maui Electric Company (MECO) **Exhibit 25**

Response to MECO..... **Exhibit 25a**

MECO Response..... **Exhibit 25b**

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth.
2. The subject property is in the State Urban District. Chapter 205, Hawaii Revised Statutes, pertaining to the Land Use Commission (LUC), establishes four (4) major land use districts in which all lands in the state are placed. These districts are designated as "Urban", "Rural", "Agricultural", and "Conservation". The Urban District generally includes lands characterized by "city-like" concentrations of people, structures and services. The District also includes vacant areas for future development. The proposed uses are consistent with the "Urban" designation of the property.
3. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The plan includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles

5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:

- A. Protect the Natural Environment
- B. Preserve Local Cultures and Traditions
- C. Improve Education
- D. Strengthen Social and Healthcare Services
- E. Expand Housing Opportunities for Residents
- F. Strengthen the Local Economy
- G. Improve Parks and Public Facilities
- H. Diversify Transportation Options
- I. Improve Physical Infrastructure
- J. Promote Sustainable Land Use and Growth Management
- K. Strive for Good Governance

The proposed CIZ project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Expand Housing Opportunities for Residents

GOAL: Quality, island-appropriate housing will be available to all residents.

Objective: Reduce the affordable housing deficit for residents.

Policies:

- a. *Ensure that an adequate and permanent supply of affordable housing, both new and existing units, is made available for purchase or rental to our resident and/or workforce population, with special emphasis on providing housing for low-to moderate-income families, and ensure that all affordable housing remains affordable in perpetuity.*
- k. *Ensure residents are given priority to obtain affordable housing units developed in their communities, consistent with all applicable regulations.*
- l. *Establish pricing for affordable housing that is more reflective of Maui County's workforce than the United States Housing and Urban Development's median-income estimates for Maui County.*

Objective: Increase the mix of housing types in towns and neighborhoods to promote sustainable land use planning, expand consumer choice, and protect the County's rural and small-town character.

Policies:

- d. *Promote infill housing in urban areas at scales that capitalize on existing infrastructure, lower development costs, and are consistent with existing or desired patterns of development.*

- f. Develop workforce housing in proximity to job centers and transit facilities.*

Objective: Increase and maintain the affordable housing inventory.

Policies:

- a. Recognize housing as a basic human need, and work to fulfill that need.*
- f. Streamline the review process for high-quality, affordable housing developments that implement the goals, objectives, and policies of the General Plan.*

THEME: Promote Sustainable Land Use and Growth Management

GOAL: Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective: Improve land use management and implement a directed-growth strategy.

Policies:

- b. Direct urban and rural growth to designated areas.*
- e. Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.*
- h. Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.*

Objective: Improve and increase efficiency in land use planning and management.

Policies:

- a. Assess the cumulative impact of developments on natural ecosystems, natural resources, wildlife habitat, and surrounding uses.*
- b. Ensure that new development projects requiring discretionary permits demonstrate a community need, show consistency with the General Plan, and provide an analysis of impacts.*
- d. Promote creative subdivision designs that implement best practices in land development, sustainable management of natural and physical resources, increased pedestrian and bicycle functionality and safety, and the principles of livable communities.*
- e. Coordinate with Federal, State, and County officials in order to ensure that land use decisions are consistent with County plans and the vision local populations have for their communities.*

The proposed CIZ is consistent with the policies in the Countywide policy plan.

4. The Maui Island Plan (MIP) is applicable to the island of Maui only. The MIP provides more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

Additionally, an essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (SRB) and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

According to the *Maui Island Plan* (MIP), the property lies within the Urban Growth Boundary and Outside Protected Areas.

The proposed actions has been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of these policy statements are provided below:

Goal 1.1 Maui's people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.

Objective 1.1.1 Greater retention and return of island residents by providing viable work, education, and lifestyle options.

Policy:

1.1.1.b Expand housing, transportation, employment and social opportunities to ensure residents are able to comfortably age within their communities.

Goal 5.1 Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

Objective 5.1.2 Better monitoring, evaluation, and refinement of affordable housing policy in conjunction with the economic cycle.

Policy:

5.1.2.b Utilize the following approaches to promote resident housing and to minimize off-shore market impacts:

- (1) Ensure that the future housing stock is composed of a mix of housing types (multifamily, small lots, ohana units, co-housing, cottage houses, etc.);
- (2) Encourage new housing in proximity to jobs and services, in places that are conducive/affordable to island residents

5. According to the *Kihei-Makena Community Plan*, the parcel is designated Single-Family. The proposal is for single family dwellings and the proposed action is in keeping with the following *Kihei-Makena Community Plan* goals, objectives and policies:

Land Use

Goal: A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Maalaea, Kihei, Wailea and Makena as well as the region's natural environment, marine resources and traditional shoreline uses..

Objectives and Policies:

- g. Encourage the establishment of single-family and multi-family land use designations which provide affordable housing opportunities for areas which are in close proximity to infrastructure systems and other urban services.
- q. Allow ohana units only where sufficient infrastructure is available.

Housing and Urban Design

Goal: A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.

Objectives and Policies:

- a. Provide an adequate variety of housing choices and range of prices for the needs of Kihei's residents, especially for families earning less than the

median income for families within the County, through the project district approach and other related programs. Choices can be increased through public/private sector cooperation and coordinated development of necessary support facilities and services.

- b. Require a mix of affordable and market-priced housing in all major residential projects, unless the project is to be developed exclusively as an affordable housing project.

The land use entitlements for the Parcels are consistent with the Kihei-Makena objectives and policies of said plan.

As previously mentioned, the parcel is zoned Open Zone, with a small portion that is zoned R-3 Residential. Refer to **Exhibit 5**. The CIZ request will change the zoning to R-1 Residential. Refer to **Exhibit 6**. The zoning change is being sought so that the zoning will be consistent with the community plan designation, which is also Single-Family. Information about R-1 Residential zoning is as follows:

R-1 Residential: Section §19.08010, "Generally" reads as follows:

Areas for single-family dwellings are established to provide for harmonious residential neighborhood without the detracting of commercial and industrial activities (Prior code § 8-1.4(a)).

19.08.020 Permitted uses.

Within residential districts, the following uses shall be permitted:

- A. *Single-family dwellings;*
- B. *Greenhouses, flower and truck gardens, and nurseries; provided that there shall be no retailing or transacting of business on the premises, except as provided in chapter 19.67 of this title;*
- C. *Parks and playgrounds, noncommercial; certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground;*
- D. *Elementary, intermediate, and high schools, and colleges, publicly or privately owned, which may include on-campus dormitories.*
- E. *Buildings or premises used by the federal, state, or county governments for public purposes;*
- F. *Accessory buildings located on the same lot, the use of which is customary, incidental, usual, and necessary to that of the main building or to the use of the land;*
- G. *Accessory dwellings pursuant to chapter 19.35 of this title;;*
- H. *Day care nurseries, kindergartens, nursery schools, child care homes, day care homes, day care centers, nurseries, preschool kindergartens, babysitting services, and other like facilities located in private homes used for child care services. These facilities shall serve six or fewer children at any one time on lot sizes of less than seven thousand five hundred square feet, eight or fewer children at any one time on lot sizes of seven thousand five hundred or more square feet but less than ten thousand*

square feet, or twelve or fewer children at any one time on lot sizes of ten thousand or more square feet.

- I. Bed and breakfast homes, subject to the provisions of chapter 19.64 of this title.*
- J. Home business, subject to the provisions of chapter 19.67 of this title.*
- K. Short-term rental homes, subject to the provisions of chapter 19.65 of this title.*

Development Standards. The following development standards shall apply:

- 1. Minimum lot area, 6,000 square feet;
- 2. Minimum lot width, 60 feet;
(Ord. 784, § 1, 1974; prior code § 8-1.4(d))
- 3. Minimum building setback:
 - a. *Front yard, 15 feet,*
 - b. *Side yard, six feet,*
 - c. *Rear yard, six feet;*
(Prior code § 8-1.4(f))
- 4. Maximum height, two stories not to exceed 35 feet.
(Prior code § 8-1.4(e))

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

No Archaeological Inventory Survey or Cultural Impact Assessment has been prepared for the proposed Change of Zoning. Per SHPD, human burial features, habitation sites, several other historic properties and disturbed human skeletal remains have been documented nearby. The project area is also within the vicinity of the Keawekapu Historic Habitation Complex and the Keawekapu Midden Scatter. Refer to **Exhibit 18**. At this time, SHPD has no objection to the Change of Zoning. For future permits, including the SMA, the agency is requesting the opportunity to comment.

INFRASTRUCTURE, PUBLIC FACILITIES, AND SERVICES

Water – The proposed land use entitlement should not have any adverse impact to existing water conditions. The proposed affordable housing project will be serviced by a 5/8-inch water meter, and currently, there are no water meters onsite. See **Exhibit 26**. Potable demand is 600 gallons per day (gpd) per unit, which equates to approximately 16,800 to 18,000 gpd total. There will be no non-potable service to the sight. The property overlies the Kamaole Aquifer, which has a sustainable yield of 11 million gallons per day. Eight-inch waterlines will service the project, which will connect to existing eight-inch waterlines on Wela Street. The Department of Water Supply (DWS) confirmed that there are two waterlines adjacent to the property, the Wela Street line as well as a 12-inch line along South Kihei Road. DWS noted that the project may be exempted from water availability portions of the Maui County Code, provided that 100 percent affordable units will be provided. Refer to **Exhibit 9**.

The State Department of Health Maui District Office (DOH) stated that a National Pollutant Discharge Elimination System permit may be required for the project and that the Applicant should contact the Clean Water Branch for more information.

For fire protection, the Department of Fire and Public Safety Fire Prevention Bureau stated that water supply shall have a minimum flow of 1,000 gallons per minute for a two hour duration, with fire hydrant spaced a maximum of 350 feet between hydrants. Refer to **Exhibit 11**. Dead ends should have a hydrant within 175 feet. Once homes are constructed, there shall be at least one hydrant within 500 feet of any constructed building.

Sewers – The proposed project should have no adverse impact on existing wastewater systems. The project will be serviced by eight-inch sewerlines, which will connect to the existing eight-inch sewerline that runs through the property. The Department of Environmental Management did not have any comment on the proposed land use entitlements. Refer to **Exhibit 10**.

Drainage – There should be no adverse impact to existing drainage conditions. Onsite runoff will be collected through various means and conveyed to an onsite subsurface drainage system and/or retention basin, identified as lot 29 on the Project Site Plan. There are no existing County drainage systems near the project area. Future drainage improvements will be sized to accommodate any increase in surface runoff such that no additional runoff sheet flows from the project site to adjacent properties as a result of the master plan improvements. The Department of Public Works commented that it looked forward to reviewing construction documents relative to drainage improvements and post construction Best Management Practices. Refer to **Exhibit 7**.

Roadways, Curbs, Gutters, and Sidewalks – The project should not have any adverse impacts on roadways, curbs, gutters or sidewalks. The project will be accessible from two points off of Wela Street, a two-way, two-lane private road with curbs and gutters and no sidewalks. Wela Street extends in a north-south direction. It connects to Ala Koa Street, a two-way, two-lane road that extends east off from South Kihei Road and terminates in a cul-de-sac. South Kihei Road is a two-way, two-lane County road that extends in a north-south direction.

The proposed project is anticipated to generate approximately 25-30 trips during the AM and PM peak hours, according to a Traffic Assessment Report conducted by Austin Tsutsumi & Associates, Inc. See **Exhibit 27**. All movements will continue to operate at a LOS D or better. Because the project will have minimal impact at the South Kihei Road and Ala Koa Street intersection, no improvements are recommended. The Department of Public Works stated in their comment letter that the traffic at the Ala Koa Street intersection with South Kihei Road will increase in their comment letter. Refer to **Exhibit 7**. The Applicants were asked to provide an assessment of traffic impacts at project access points to public roadways, which they have. Refer to **Exhibit 7a**.

Electrical, Telephone, and Cable – The parcels will have electrical, telephone and cable service. Per ECM, the electrical engineering project consultant, electrical service demand is estimated to be approximately 126 to 140 kVA. See **Exhibit 25a**. Maui Electric confirmed that the demand was sufficiently addressed for now and that needs would be determined closer to construction. See **Exhibit 25b**. There should be no adverse impact to electrical, telephone or cable service associated with the proposed entitlements.

Parks – There should be no adverse impacts to existing public parks. The proposed affordable housing is located in close proximity and within walking distance of the Keawekapu Beach Park. Beach parking is located to the south of the property, across Kilohana Drive. In addition, the Kihei Boat Harbor is located northwest of the property. Other public parks available include

Kalama Park, approximately two miles away, which includes a multi-purpose field, tennis and basketball courts, skateboarding, inline skating, etc. There is also the South Maui Community Park, located approximately four miles away, which has various ball fields and a walking path. The Department of Parks and Recreation did not have any comment on the proposed housing development. Refer to **Exhibit 13**.

Schools – The proposed development should not have any impacts on school service. The project will be served by the Kihei Elementary School for grades kindergarten through fifth grade, Lokelani Intermediate for grades six through eight and Maui High School. The first phase of the Kihei High School is anticipated to open for the 2021-2022 school year. The State Department of Education (DOE) states that once the project is mature, approximately 14 students will be served by the public school system. See **Exhibit 15**. The project is located within the Central Maui School Impact Fee District, where impact fees are \$5,373 for single-family units. The DOE stated that they would comment further when the SMA Permit is being processed.

Solid Waste – The proposed affordable housing will be serviced by the County Department of Environmental Management (DEM) Solid Waste Division. There should be no adverse impact to solid waste as a result of the proposed land use entitlements. DEM did not have any comment with regard to the propose entitlements. Refer to **Exhibit 10**.

Public Services – Police protection is provided by the Maui Police Department at the Kihei Police Station, approximately two miles away from the project site. There should be no adverse impact to police service as a result of the proposed land use entitlements. The Police Department did not have any comment on the proposed entitlements. Refer to **Exhibit 12**.

Fire prevention, suppression, and protection services for the region are provided by the Department of Fire and Public Safety's Wailea Fire Station located approximately 0.5 miles away from the project site. Additional support is also available from the Kihei Fire Station, located approximately 2.5 miles away and the Kahului Fire Station, which is located approximately 13.5 miles away. There should be no adverse impact to fire services as a result of the proposed land use entitlements. The Department of Fire and Public Safety did not have any objections to the proposed entitlements; however, they did note that they would comment on the project when detailed plans are submitted for subdivision and building permit review. Refer to **Exhibits 11**.

Maui Memorial Medical Center, the only major medical facility on the island, is located near the Maui Police Department's Kahului headquarters, approximately 13.5 miles away from the project area. Acute, general, and emergency care services are provided by this facility, which is licensed for approximately 231 beds. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents.

No adverse impact to public services will occur as a result of the proposed land use entitlements.

SOCIO-ECONOMIC IMPACT

The project area is located in Kihei, which had a population of 20,881, according to the 2010 United States (U.S.) Census. The Kihei economy is comprised primarily by retail sales, accommodations and the food service industries. Since residents will be given preference as

first-time homebuyers, they will most likely be moving from various parts of the island. The population for Maui County was 154,834, according to the 2010 U.S. Census. The county economy is driven by the accommodations and food service industries.

In the short-term, the project will support construction and construction-related employment. In the long-term, the project will meet housing needs of residents and stimulate the local economy through the generation of business in the area. The proposed homes will provide a small inventory of needed housing for the South Maui area. Thus, there should be no adverse impact to the population or economy associated with the proposed land use entitlement.

ENVIRONMENTAL IMPACTS

Topography – The property is relatively flat. Because the future development will be sited to minimize grade alteration, there should be no adverse impact associated with property reclassification.

Soil Conditions – Dune Land (DL) underlies the property, according to the United States Department of Agriculture Natural Resources Conservation Service (NRCS) website. Dune land is excessively drained and most susceptible to wind erosion. The NRCS did not have any comment on the proposed land use entitlements.

The State Department of Agriculture has established three categories of Agricultural Lands of Importance to the State of Hawaii (ALISH) with land rated as “Prime,” “Unique,” or “Other,” based on their underlying soils. The property is “Not Prime Farmland,” which means that it is not of Statewide or local agricultural importance.

The subject properties are not designated as “Important Agricultural Lands (IAL).” They are not abutting or near any properties with an IAL designation.

Sea Level Rise, Flood and Tsunami – According to the Hawaii Sea Level Rise Viewer, the project area is outside of the 3.2 foot sea level rise exposure area. The project area is also outside of the higher 6.0 foot sea level rise exposure area. See **Exhibits 28-29**.

As previously mentioned, according to the Federal Emergency Management Agency’s Flood Insurance Rate Map, the properties are located within Flood Zone X, an area of minimal flooding. See **Exhibit 30**.

The southwest portion of the property is within the Tsunami Evacuation Zone and the parcel is entirely within the Extreme Tsunami Evacuation Zone. See **Exhibit 31**. Because the project area will be subject to damages from a tsunami event, the Applicants will initiate discussions with the Maui Emergency Management Agency as soon as possible for evacuation and damage control procedures. No adverse impact to existing flood or tsunami conditions are anticipated in connection with the proposed zoning change.

Flora and Fauna – The property is undeveloped and consists of some dried grass, Kiawe trees, sand and gravel. There are no known endangered or threatened species onsite. There should be no adverse impacts to flora and fauna.

Air Quality – Ambient air quality in the area is within the state and national ambient air quality standards. There are trade winds in the area that prevail approximately 80 to 85 percent of the time and contribute toward the excellent air quality. Winds are lighter during the mornings and nights and stronger in the afternoons. There may be short-term impacts due to fugitive dust associated with demolition, grading and construction; however, they should not be significant with the implementation of Best Management Practices (BMPs). BMPs to be utilized include the use of dust fences, watering, covering of graded areas and not conducting any earthmoving activities during high winds, etc. BMPs will be submitted to the Department of Public Works, along with grading and building permits for approval. No adverse impact to air quality is anticipated.

Noise – Background noise in the area can be largely attributed to traffic traveling along local roadways and tourists at nearby vacation rentals or beaches. The proposed single-family subdivision is not anticipated to cause much change in existing noise conditions. There may be short-term noise impacts associated with construction; however, hours of use can be limited. Best Management Practices (BMPs) will be submitted when the applicant applies for grading and building permits. The State Department of Health Maui District Office stated that the noise generated during the construction phase may exceed maximum allowable level; hence, a noise permit should be obtained prior to work commencement. Refer to **Exhibit 24**. The Applicants will apply for a Department of Health noise permit, which will impose a limit on hours of construction. Refer to **Exhibit 24a**. There should be no adverse impact to neighboring properties is anticipated as a result of the proposed land use entitlements.

Scenic and Open Space Resources – Currently, there are pocket views of the ocean from Wela Street. The view is obstructed by existing vacation rental structures abutting the shoreline. From South Kihei Road, Haleakala is visible; however, the lower elevation is partially obstructed by nearby homes and landscaping. There should be no adverse impacts to scenic and open space resources associated with the proposed entitlement actions.

Streams, Wetlands and Reservoirs – There are no wetlands or rivers on or in the vicinity of the properties.

TESTIMONY

As of November 4, 2019, the Department has received one letter of protest expressing concerns with sea level rise, traffic, pedestrian travel, parking, biological and other environmental impacts. See **Exhibit 32**.

ALTERNATIVES

1. **Deferral:** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. **Recommend Approval without Conditions:** The Commission may take action to recommend that the Maui County Council approve the request without imposing any conditions.
3. **Recommend Approval with Conditions:** The Commission may take action recommend

that the Maui County Council approve the request with conditions.

4. **Recommend Denial:** The Commission may take action to recommend that the Maui County Council deny the request.

CONCLUSIONS OF LAW

A Change of Zoning is reviewed pursuant to: Maui County Code (MCC), Title, 19, Chapter 19.510, Section 19.510.040, Change of Zoning, by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the Maui County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. *The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;*
2. *The proposed request is consistent with the applicable community plan land use map of the county;*
3. *The proposed request meets the intent and purpose of the district being requested;*
4. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;*
5. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,*
6. *If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.*

Conclusion: The Title 19 Change of Zoning will change the zoning from "Open Zone" and "R-3 Residential" to "R-1 Residential." The Applicant's proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC.

RECOMMENDATION

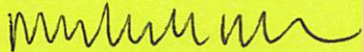
CHANGE OF ZONING

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the CIZ from "Open Zone" and "R-3 Residential" to "R-1 Residential," subject to the following condition:

- 1) That the property shall not be developed for any purpose other than workforce housing, as defined by Chapter 2.96, Maui County Code.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission recommend approval of the Change of Zoning request and adopt the Department of Planning's Report and Recommendation prepared for the November 26, 2019, meeting and authorize the Planning Director to transmit said Report and Recommendation statements to the Maui County Council.

APPROVED:



MICHELE MCLEAN, AICP
Planning Director

Resolution

No. 18-195

REFERRING TO THE MAUI PLANNING
COMMISSION A PROPOSED BILL TO CHANGE
THE ZONING FOR 6.943 ACRES ON SOUTH
KIHEI ROAD, KIHEI, MAUI, HAWAII,
TAX MAP KEY (2) 3-9-004:141

WHEREAS, the Council is considering a proposed bill to change the zoning from Open Zone to R-1 Residential District for that certain real property situated at South Kihei Road, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:141, comprised of approximately 6.943 acres; and

WHEREAS, the Change in Zoning would facilitate the development of an affordable housing project on the property; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, require that the appropriate planning commission review proposed land use ordinances and amendments thereto, and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby refers the proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM OPEN ZONE TO R-1 RESIDENTIAL DISTRICT FOR 6.943 ACRES IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 3-9-004:141," a copy of which is attached hereto as Exhibit "1" and made a part hereof, to the Maui Planning Commission for appropriate action, pursuant to Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it respectfully requests the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

EXHIBIT |

Resolution No. 18-195

3. That certified copies of this resolution be transmitted to the Mayor, the Planning Director, and the Maui Planning Commission.

APPROVED AS TO FORM AND LEGALITY



MICHAEL J. HOPPER
Deputy Corporation Counsel
County of Maui

LF 2017-0095 / 2018-1434
LU-72 2018-11-05 Resolution

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE TO CHANGE THE ZONING FROM OPEN ZONE TO R-1 RESIDENTIAL DISTRICT FOR 6.943 ACRES IN KIHEI, MAUI, HAWAII, IDENTIFIED AS TAX MAP KEY (2) 3-9-004:141

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from Open Zone to R-1 Residential District is hereby granted for that certain real property situated at South Kihei Road, Kihei, Maui, Hawaii, identified for real property tax purposes as tax map key (2) 3-9-004:141, as more particularly described in Exhibit "A," attached hereto and made a part hereof, and in Land Zoning Map No. L-_____, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

paf:jgk:18-278c

EXHIBIT ' 1 '

EXHIBIT "A"

All of that certain parcel of land (being all of the land(s) described in and covered by Land Patent Grant Number S-15,636 issued to Seibu Hawaii, Inc., a Hawaii corporation) situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being PARCEL 7, same being a portion of the government land of Kamaole and thus bounded and described:

Beginning at the southwest corner of this parcel of land, the northwest corner of Grant A-14699 to Robert H. and Nadine Hughes and on the east side of Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 9982.31 feet south and 19,955.43 feet west, thence running by azimuths measured clockwise from true South:

1. Along the east side of Kihei Road on a curve to the right with a radius of 1879.86 feet, the chord azimuth and distance being: 172° 38' 25" 80.47 feet;
2. 265° 23' 100.00 feet along Sewerage Pump Station No. 8;
3. 175° 23' 99.51 feet along Sewerage Pump Station No. 8;
4. 85° 23' 100.00 feet along Sewerage Pump Station No. 8;
5. Thence along the east side of Kihei Road on a curve to the right with a radius of 1879.86 feet, the chord azimuth and distance being: 180° 00' 30" 203.87 feet;
6. 183° 07' 696.26 feet along the east side of Kihei Road;
7. Thence along the remainder of Government Land of Kamaole on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being: 215° 00' 21.13 feet;
8. 246° 53' 197.85 feet along remainder of the Government Land of Kamaole;
9. 354° 54' 1292.80 feet along Grant 5008 to Henry Waterhouse Trust Co., Ltd.;

- | | | | | |
|-----|------|-----|--------|--|
| 10. | 65° | 52' | 63.47 | feet along Grant 548 to J. Y. Kanehoa; |
| 11. | 174° | 54' | 164.06 | feet along Grant 10297 to H. F. Rice; |
| 12. | 84° | 54' | 257.09 | feet along Grant 10297 to H. F. Rice and Grant S-14699 to Robert H. and Nadine Hughes to the point of beginning and containing an area of 6.943 acres, more or less. |

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : SEIBU HAWAII, INC., a Hawaii corporation

GRANTEE : GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, husband and wife, as Tenants by the Entirety

DATED : September 6, 1990

RECORDED : Document No. 90-139471

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : LAND PATENT GRANT NUMBER S-15,636

The foregoing includes, but is not limited to, matters relating to reservation in favor of State of Hawaii of all minerals, surface and ground waters and prehistoric and historic remains

3. Perpetual non-exclusive access and utility easements as shown on plan attached to Land Patent Grant Number S-15,636.

4. Reserving to the State of Hawaii, its successors and assigns, perpetual non-exclusive access and utility easements as shown on plan attached to Land Patent Grant Number S-15,636.

5. GRANT

TO : JEROME S. KATZIN, as Trustee of Tower Development Corporation Liquidating Trust

DATED : January 14, 1988

RECORDED : Liber 21527 Page 650

GRANTING : a perpetual and non-exclusive easement in, over, under and across that certain parcel of land, being more particularly described as follows:

PERPETUAL NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT
Kamaole, Wailuku (Kula), Maui, Hawaii

Being a portion of Government Land of Kamaole.

Beginning at the northwest corner of this easement and on the east side of South Kihei Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" being 8,792.90 feet south and 19,929.79 feet west, thence running by azimuths measured clockwise from true South:

1. Along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

305° 00'	33.96	feet;
----------	-------	-------
2. 246° 53' 168.09 feet along the remainder of the Government Land of Kamaole;
3. 354° 54' 503.09 feet along Grant 5008 to Henry Waterhouse Trust Company, Limited;
4. 84° 54' 44.00 feet along the remainder of the Government Land of Kamaole;
5. 174° 54' 384.39 feet along the remainder of the Government land of Kamaole;

6. Thence along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being;
- 120° 53' 30" 48.55 feet;
7. 66° 53' 110.28 feet along the remainder of the Government Land of Kamaole;
8. Thence along the remainder of the Government Land of Kamaole, on a curve to the left with a radius of 20.0 feet, the chord azimuth and distance being;
- 35° 00' 21.13 feet;
9. 183° 07' 111.48 feet along the east side of South Kihei Road to the point of beginning and containing an area of 32,016 square feet, more or less.

ABOVE GRANT BY MESNE ASSIGNMENTS WAS ASSIGNED

TO : KILOHANA MAUKA ASSOCIATION, INC., a Hawaii non-profit corporation

DATED : January 9, 2003

RECORDED : as Document No. 2003-228679

CONSENT : Given by the STATE OF HAWAII, by its Board of land and Natural Resources, by instrument dated October 16, 2003, recorded as Document No. 2003-228680

6. GRANT

TO : WAILEA IKI SUBDIVISION PARTNERSHIP, a Hawaii Limited Partnership

DATED : July 14, 1993

RECORDED : Document No. 93-136165

GRANTING : non-exclusive and perpetual easement for access and utility purposes, in, over, under and across Part B, being more particularly described as follows:

Being a portion of Grant S-15636 to Seibu Hawaii, Inc.

Being also portion of the perpetual non-exclusive access and utility easement and on the west boundary of Grant 5008 to Henry Waterhouse Trust Company, Limited, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KALI" BEING 8,809.23 feet south and 19,741.77 feet west, thence running by azimuths measured clockwise from true South:

1. 354° 54' 191.09 feet along Grant 5008 to Henry Waterhouse Trust Company, Limited;
2. 84° 54' 44.00 feet along the remainder of Grant S-15636 to Seibu Hawaii, Inc.;
3. 174° 54' 135.48 feet along the remainder of Grant S-15636 to Seibu Hawaii, Inc.;
4. Thence along the remainder of Grant S-15636 to Seibu Hawaii, Inc., on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being:
120° 53' 30" 48.55 feet;
5. 246° 53' 87.57 feet along the Government Land of Kamaole to the point of beginning and containing an area of 8,484 square feet, more or less.

ABOVE GRANT WAS MESNE ASSIGNMENTS ASSIGNED

TO : KEAWAKAPU VIEWS COMMUNITY ASSOCIATION, a Hawaii non-profit corporation

DATED : November 1, 1994

RECORDED : Document No. 95-088722

CONSENT : Given by the STATE OF HAWAII, by its Board of land and Natural Resources, by instrument dated March 31, 1995

7. Pending Civil No. 98-0863 filed in the Circuit Court of the Second Circuit, State of Hawaii; COUNTY OF MAUI, by and through its Director of Finance, "Plaintiff", vs. GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, ET AL, "Defendant"; re: Foreclosure.

8. GRANT

TO : TOWNE BROWN LLC, a Hawaii limited liability company
DATED : July 16, 2001
RECORDED : Document No. 2001-122656
GRANTING : an easement for roadway and utility purposes

ABOVE GRANT AMENDED BY INSTRUMENT

DATED : May 10, 2002
RECORDED : Document No. 2002-088790
RE : description of easements

ABOVE GRANT AMENDED BY INSTRUMENT

DATED : March 26, 2003
RECORDED : Document No. 2003-066248
RE : adding to the Roadway Easement area

9. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII INC.
DATED : March 18, 2003
RECORDED : Document No. 2003-088355
GRANTING : an easement for utility purposes

10. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : WATERLINE EASEMENT AGREEMENT

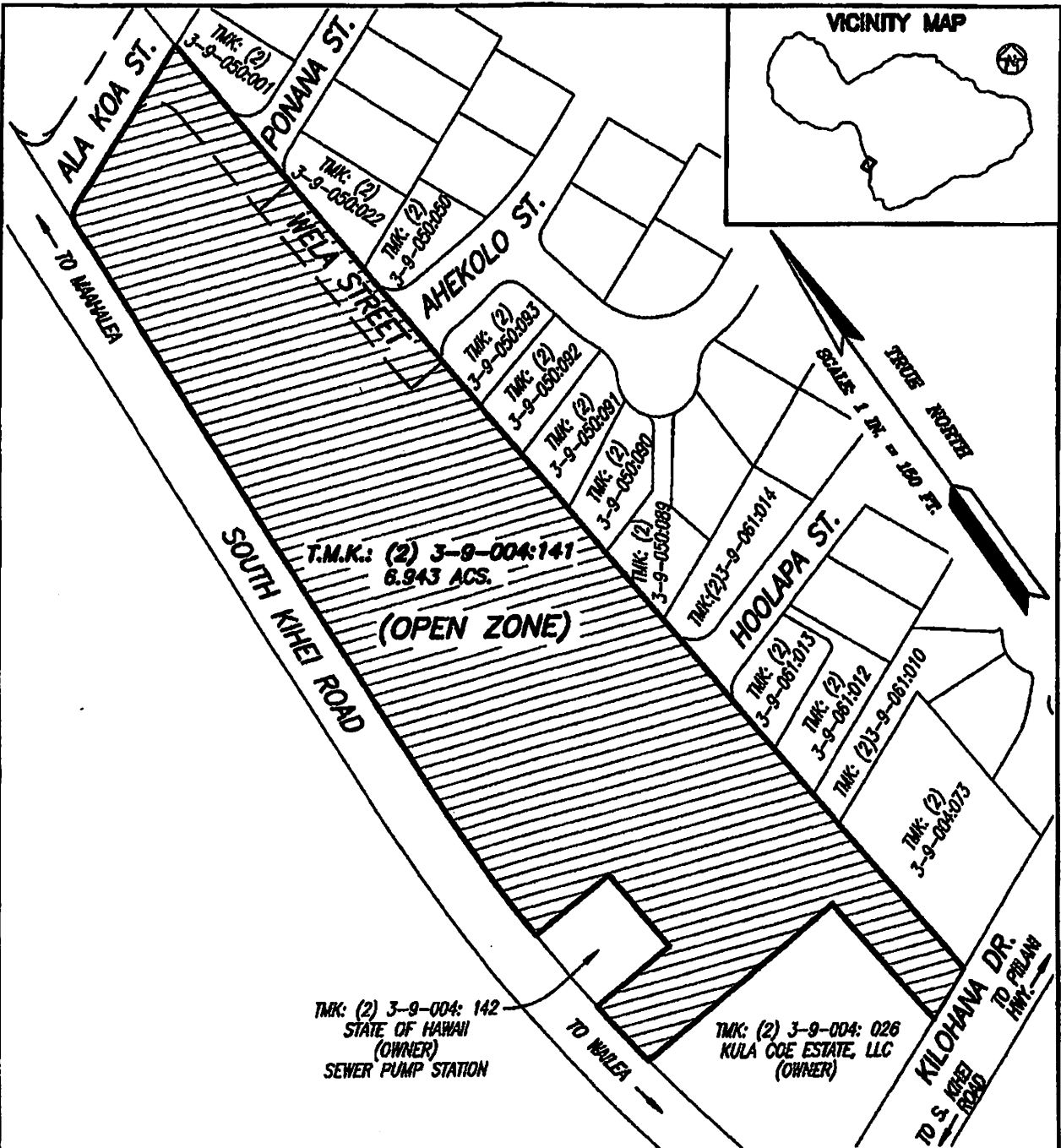
DATED : June 17, 2003
RECORDED : Document No. 2003-137108
PARTIES : TOWNE BROWN LLC, a Hawaii limited liability company and COUNTY OF MAUI

11. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described herein.

(Note: The death of George P. Ferreira, Jr. on November 6, 2000 at Wailuku, Maui, Hawaii)

END OF EXHIBIT "A"

G:\2016 PROJECTS\2016-43\DWG\MAPS\ZONING-MAP.dwg Oct. 12, 2018 - 9:43am



TAX MAP KEY:
 T.M.K.: (2) 3-9-004:141

LAND ZONING MAP NO. L-
 CHANGE IN ZONING - KIHAI, MAUI, HAWAII
 FROM OPEN ZONE
 TO R-1 RESIDENTIAL DISTRICT

EXHIBIT "B"

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 18-195 was adopted by the Council of the County of Maui, State of Hawaii, on the 13th day of December, 2018, by the following vote:

MEMBERS	Michael B. WHITE Chair	Robert CARROLL Vice-Chair	Alika ATAY	Eleanora COCHRAN	S. Stacy CRIVELLO	Donald S. GUZMAN	G. Riki HOKAMA	Kelly T. KING	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

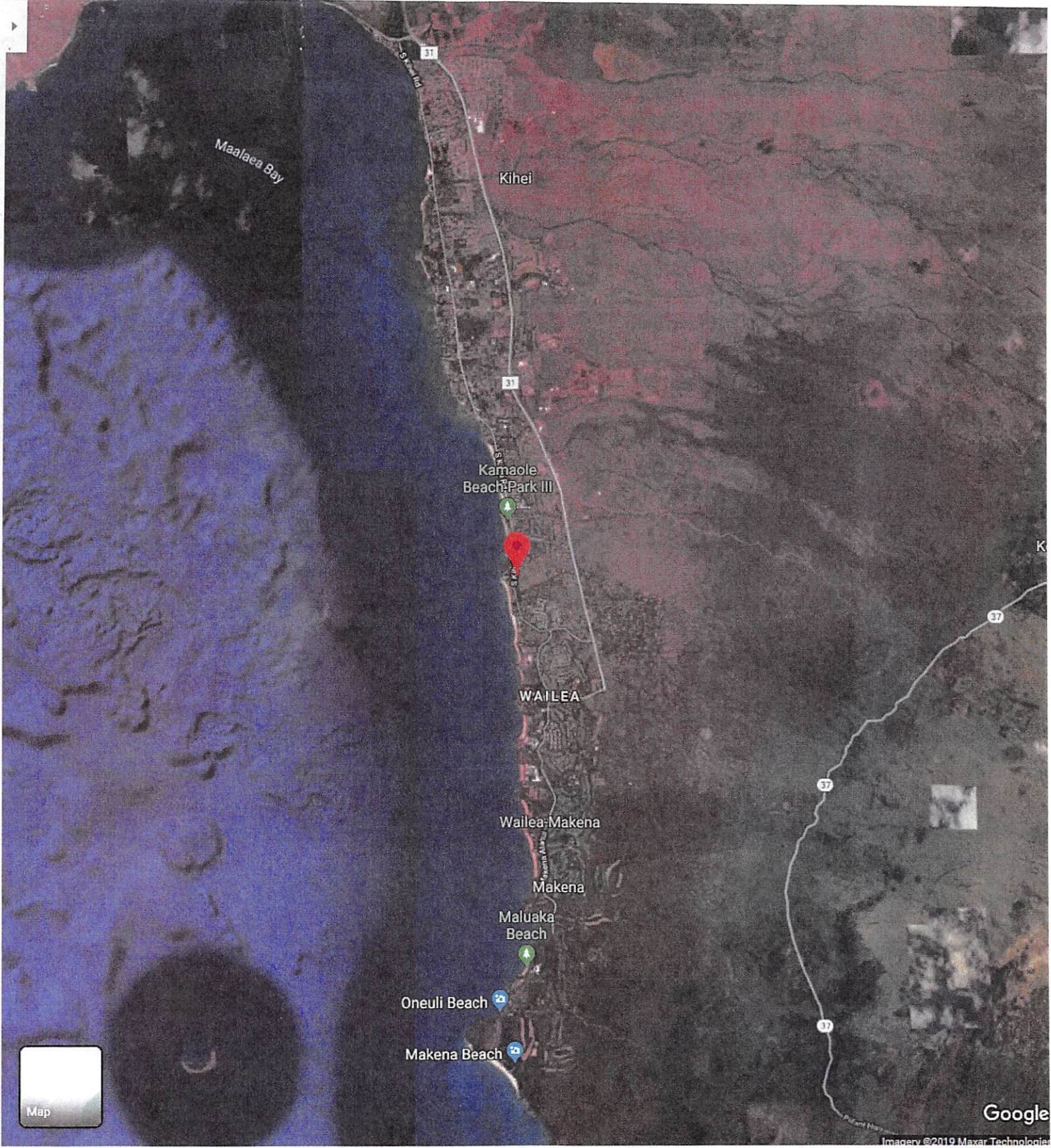


EXHIBIT 2



EXHIBIT 3

KILOHANA MAKAI TRAFFIC ASSESSMENT

Austin Tsutsumi
& ASSOCIATES, INC.
Engineers & Surveyors



EXHIBIT 4

FIGURE 1

PROJECT SITE PLAN

Existing Zoning

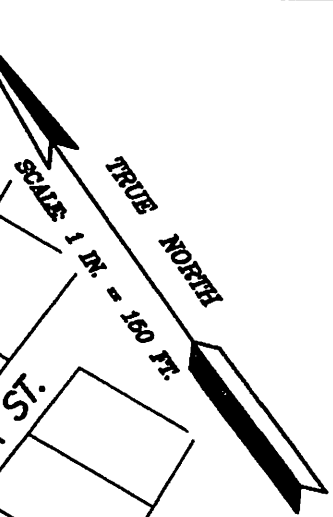
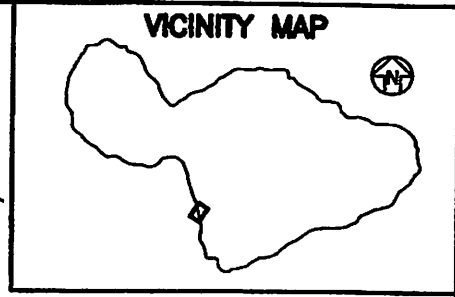
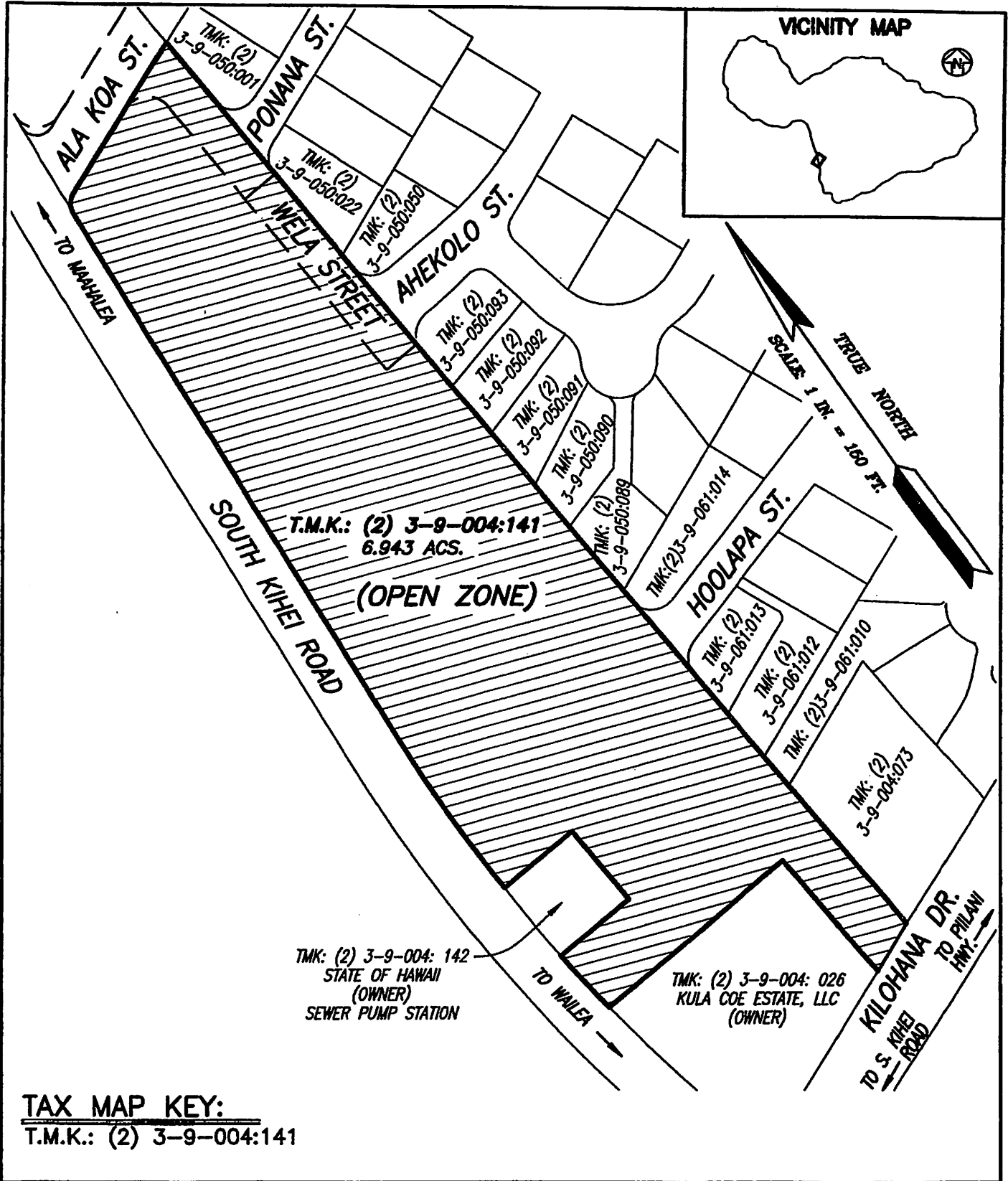
Legend

- | | | | |
|--|------------------------|--|--------------------------------|
| | R-0 Residential | | AP Airport |
| | R-1 Residential | | AG Agriculture |
| | R-2 Residential | | RU-0.5 Rural 1/2 Acre |
| | R-3 Residential | | PD Project District |
| | D-1 Duplex | | CID Civic Improvement District |
| | A-1 Apartment | | Golf Course |
| | A-2 Apartment | | OS Open Space |
| | H - Hotel | | OS-2 Active Open Space |
| | HM Hotel | | P-1 Public/Quasi Public |
| | H-2 Hotel | | Beach Right-of-Way |
| | B-2 Business-Community | | PK - Golf Course |
| | B-3 Business-Central | | PK Park |
| | BR Business-Resort | | Interim |
| | M-1 Light Industrial | | Road |

Subject Property



G:\2016 PROJECTS\2016-43\DWG\MAPS\ZONING-MAP.dwg Oct. 12, 2018 - 9:43am



TAX MAP KEY:
 T.M.K.: (2) 3-9-004:141

LAND ZONING MAP NO. L-
CHANGE IN ZONING - KIHEI, MAUI, HAWAII
FROM OPEN ZONE
TO R-1 RESIDENTIAL DISTRICT **EXHIBIT 6**

1914080

MICHAEL P. VICTORINO
Mayor

ROWENA M. DAGDAG-ANDAYA
Director

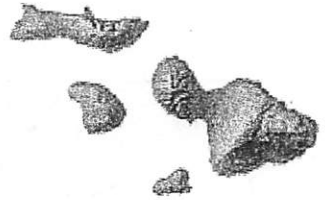
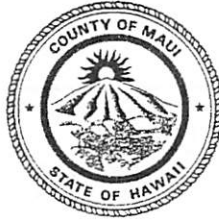
STEPHEN M. WELLING, P.E.
Deputy Director

GLEN A. UENO, P.E., L.S.
Development Services Administration

RODRIGO "CHICO" RABARA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM 434
WAILUKU, MAUI, HAWAII 96793

July 29, 2019

RECEIVED

AUG - 7 2019

COUNTY OF MAUI
DEPARTMENT OF PLANNING

MEMO TO: MICHELE MCLEAN, PLANNING DIRECTOR

FROM: ^{For:} ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS

SUBJECT: APPLICATION FOR CHANGE IN ZONING FOR KILOHANA MAKAI
PROJECT; TMK: (2) 3-9-004:141
CIZ 2019/0001

We reviewed the subject application and have the following comments:

Comments from the Highways Division:

1. All streets connected to this subdivision are private; however, Ala Koa Street intersection with South Kihei Road traffic will increase.
2. We look forward to reviewing construction documents relative to drainage improvements and post construction Best Management Practices (BMP).

Comments from the Engineering Division, Traffic Section:

3. Provide assessment of traffic impacts at project access points to public roadways.

If you have any questions regarding this memorandum, please call Stephen M. Welling at 270-7845.

RMDA:SMW:da

xc: Highways Division
Engineering Division

S:\DSA\Engr\CZM\Draft Comments\39004141_kilohana_makai_ciz.rtf

EXHIBIT 7



August 8, 2019

Ms. Rowena Dagdag-Andaya, Director; and
Mr. Stephen M. Welling, Deputy Director
County of Maui, Department of Public Works
200 South High Street, Room 434
Wailuku, HI 96793

RE: CIZ 20219/0001
Application for Change in Zoning for Kilohana Makai Project TMK (2)3-9-004:141
Kihei, Maui, Hawaii

Dear Ms. Dagdag-Andaya and Mr. Welling,

Thank you for your response to our Application for Change in Zoning. In an effort to address the comments from your Highways and Engineering Divisions, we have listed our responses and have numbered them respectively.

1. A full traffic impact study will be completed to move this project forward with the SMA application process.
2. Civil drawings will be complete prior to SMA application.
3. We did engage Austin Tsutsumi & Associates to perform a traffic assessment. Attached is a copy for your records and hopefully helps answer any questions you may have at this time.

We appreciate your comments and look forward to working with you to move forward on the 100% workforce housing project.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc.

A handwritten signature in black ink, appearing to read "Sandra Duvauchelle", is written over the typed name.

Sandra Duvauchelle
Vice President

SD:mg


EXHIBIT 7a

AGENCY NAME:	<i>County of Maui Transportation</i>	PHONE:	<i>270-7811</i>
---------------------	--------------------------------------	---------------	-----------------

Agency Transmittal – KILOHANA MAKAI PROJECT (CIZ 2019/0001)

June 18, 2019

Page 3

NO COMMENT			
Signed:		Dated:	<i>7/9/19</i>
Print Name:	<i>MARC TAKAMORI</i>	Title:	<i>Director</i>

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

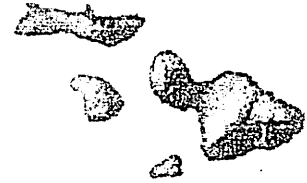
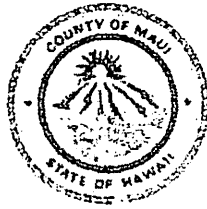
GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 8

MICHAEL P. VICTORINO
Mayor

JEFFREY T. PEARSON, P.E.
Director

HELENE KAU
Deputy Director



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauiwater.org

June 28, 2019

Tara K. Furukawa, Staff Planner
County of Maui, Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Subject: Kilohana Makai Project
Change in Zoning (CIZ 2019/0001)
TMK: (2) 3-9-004:141

Dear Ms. Furukawa,

Thank you for the opportunity to comment on the Kilohana Makai Affordable Single Family Housing project application.

Source and Infrastructure

The property overlies the Kamaole Aquifer with a sustainable yield of 11 million gallons per day according to the Commission on Water Resource Management (CWRM). There are two Department of Water Supply (DWS) waterlines adjacent to the property on South Kihei Road and Wela Street, one 12-inch line and one 8-inch line. According to Water System Standards, 2002, State of Hawaii, projected water demand for the project will be approximately 20,829 gallons per day in this dry area. There are no DWS meters on the property and the project may be subject to Title 16, Chapter 202, County of Maui Administrative Rules, "Rules Relating to Water Meter Reservations". The project, located in the Central Maui Water System, may be exempt from the requirements of the Maui County Code section 14.12.030 F. referencing water availability and Department rules section 16-201-03 (g)(1) exempting "large water users", provided the project will contain 100 percent affordable housing units.

Should you have any questions, please contact staff planner Audrey Dack at (808) 463-3109 or audrey.dack@co.maui.hi.us.

Sincerely,

Jeffrey T. Pearson, P.E.
Director
apd
cc: DWS Engineering Division

EXHIBIT 9

"By Water All Things Find Life"

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
7/17/2019

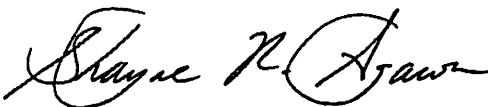
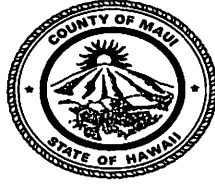
AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Kilohana Makai Project		
APPLICANT:	Aina Lani Pacific LLC/Lehua Builders		
PROJECT ADDRESS:	None, off of South Kihei Road		
PROJECT DESCRIPTION:	Council-initiated Change of Zoning for 6.943 acres of land for the proposed 28 single-family unit affordable housing project		
TMK:	(2) 3-9-004:141		
PERMIT NO.:	CIZ 2019/0001		
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			
SOLID WASTE DIVISION COMMENTS			
Signed:			7/17/19
Print Name:	Shayne R. Agawa, Deputy Director		Date

EXHIBIT 10

MICHAEL P. VICTORINO
MAYOR



DAVID C. THYNE
FIRE CHIEF

BRAD VENTURA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU

313 MANEA PLACE, WAILUKU, HAWAII 96793
(808) 876-4690, FAX (808) 244-1363

September 23, 2019

Department of Planning
Attn: Tara K. Furukawa – Staff planner
2200 Main St. Suite 315
Wailuku, HI 96793

SUBJECT: Kilohana Makai Project
CIZ 2019/0001
TMK: (2) 3-9-004: 141

Dear Tara,

Thank you for allowing our office to provide comment on the referenced subject. As per your request, comments are provided below:

- The Change-in-Zoning has the following requirement for water supply for fire protection and fire hydrant spacing:
 - o Water supply for fire protection shall have a minimum flow of 1000 gallons per minute for a two hour duration with hydrant spacing a maximum of 350 feet between hydrants. Dead-ends shall have a hydrant within 175 ft.
 - o Service roads to proposed properties shall have a clear width of 20 feet. Any dead-end roads or cul-de-sacs shall have a clear width of 32 ft., and if greater than 150 ft. in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall not be greater than 14%.
 - o Once construction of buildings are planned, there shall be at least one hydrant within 500 feet of any building to be constructed.

EXHIBIT 11



October 9, 2019

Mr. Paul Haake
Captain, Fire Prevention Bureau
County of Maui
Department of Fire and Public Safety
313 Manea Place
Wailuku, HI 96793

RE: Council-initiated Change in Zoning, CIZ 2019/0001
Kilohana Makai Project
TMK (2)3-9-004:141

Dear Mr. Haake,

Thank you for your comments. The subject parcel is zoned residential on the community plan and open zone (not open space) as the current zoning. Based on that, we are staying consistent with the community plan.

We continue to work with the Council-Initiated Zoning process to help move this parcel into compliance with the community plan zoning to provide 100% workforce housing 28 single-family homes.

As I am sure you know, workforce housing projects are a challenge. The need is so great for workforce and affordable housing. With these 28 homes, we would only be filling a small percentage of that need.

If successful we will be applying for an SMA and complete the full Civil design for our subdivision, which will comply with all County of Maui standards.

Thank you again for your comments. We look forward to working with you and your agency in providing 100% workforce housing to South Maui.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc

A handwritten signature in black ink, appearing to read "Sandra Duvauchelle", is written over the typed name.

Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 11a

19/3285



POLICE DEPARTMENT COUNTY OF MAUI



MICHAEL P. VICTORINO
MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

TIVOLI S. FAAUMU
CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

June 25, 2019

MEMORANDUM

TO : TARA FURUKAWA, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CIZ 2019/0001
 TMK : (2) 3-2-004:141
 Project : KILOHANA MAKAI PROJECT
 Applicant : Aina Lani Pacific LLC/Lehua Builders

No comments or recommendations to offer at this time.

Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.



 Assistant Chief John Jakubczak
 For TIVOLI S. FAAUMU
 Chief of Police

EXHIBIT 12

DEPT. OF PLANNING
COUNTY OF MAUI

JUN 26 2019

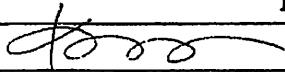
RECEIVED

AGENCY NAME		PHONE	
--------------------	--	--------------	--

Agency Transmittal – KILOHANA MAKAI PROJECT (CIZ 2019/0001)

June 18, 2019

Page 3

NO COMMENT			
Signed:		Dated:	7/1/19
Print Name:	Karla H. Peters	Title:	Director of Parks and Recreation

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 13

Tara Furukawa - Re: Kilohana Makai Project

From: Buddy Almeida
To: Furukawa, Tara
Date: 7/24/2019 10:16 AM
Subject: Re: Kilohana Makai Project
Attachments: Almeida, Buddy.vcf

Hi Tara,

The developer has executed a residential workforce housing agreement with the department - thus, they are in compliance with the department.

Let me know if you need additional information.

Thank you,
Buddy.

>>> Tara Furukawa 7/24/2019 8:58 AM >>>

Hi Buddy, I'm following up on the status of your Department's review of the Council-initiated Kilohana Makai affordable housing project. We transmitted to your Dept. on June 18, with a comment deadline of July 17. Please let me know. Thanks!

EXHIBIT 19

DAVID Y. IGE
GOVERNOR



DR. CHRISTINA M. KISHIMOTO
SUPERINTENDENT

19/3470

STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

DEPT. OF PLANNING
COUNTY OF MAUI

July 1, 2019

JUL 08 2019

RECEIVED

Tara Furukawa
Staff Planner
County of Maui, Department of Planning
220 Main Street, Suite 619
Wailuku, Hawaii 96793

Re: Council Initiated Change in Zoning, Kihei, Maui, Hawaii
TMKs: 3-9-004:141(CIZ 2019/0001)

Dear Ms. Furukawa:

The Hawaii State Department of Education (HIDOE) has the following comments on the Change in Zoning from Open Zone to R-1 Residential District. This proposed Change in Zoning was initiated by the Maui County Council to facilitate a 28-unit affordable housing project on approximately 6.943 acres of land located at Kihei, Island of Maui, TMK: Key 3-9-004:141 (Project).

When the project is mature and unit turnover stabilized, we would expect roughly fourteen (14) HIDOE students will reside there.

The HIDOE schools serving the proposed Project are Kamalii Elementary, Lokelani Intermediate, and Maui High Schools. Kamalii Elementary and Lokelani Intermediate schools have excess capacity

The initial phase of the new Kihei High School is under construction. This first phase will provide classroom capacity for approximately 800 students; with a maximum design capacity for approximately 1,600 students. The HIDOE anticipates opening this first phase for the 2021/2022 school year. Once opened, it is anticipated that the high school will gradually reduce the number of students attending Maui High School.

The Project is located within the Central Maui School Impact Fee District (District). This District and impact fee amounts were adopted by the Board of Education on November 18, 2010. Impact fee amounts are \$5,373 for single-family units and \$2,371 for multi-family units.

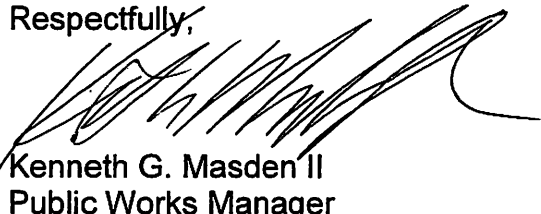
EXHIBIT 15

Tara Furukawa
July 1, 2019
Page 2

The Project is located within the Special Management Area (SMA) and will require an SMA Use Permit. The HIDEOE will provide further comments during the SMA Use Permit process.

Thank you for the opportunity to comment. Should you have any questions, please contact Robyn Loudermilk, School Lands and Facilities Specialist of the Facilities Development, Planning Branch at (808) 784-5093 or via email at robyn.loudermilk@k12.hi.us.

Respectfully,



Kenneth G. Masden II
Public Works Manager
Planning Section

KGM:rl

c: Kathleen Dimino, Complex Area Superintendent, Baldwin/Kekaulike/Maui Complex



October 9, 2019

Mr. Kenneth G. MasdenII
State of Hawaii
Department of Education
P O Box 2360
Honolulu, Hawaii 96804

RE: Council-initiated Change in Zoning, CIZ 2019/0001
Kilohana Makai Project
TMK (2)3-9-004:141

Dear Mr. Madsen:

Thank you for your comments. The subject parcel is zoned residential on the community plan and open zone (not open space) as the current zoning. Based on that, we are staying consistent with the community plan.

We continue to work with the Council-Initiated Zoning process to help move this parcel into compliance with the community plan zoning to provide 100% workforce housing 28 single-family homes.

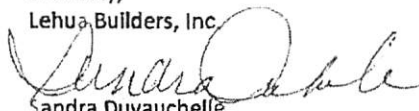
As I am sure you know, workforce housing projects are a challenge. The need is so great for workforce and affordable housing. With these 28 homes, we would only be filling a small percentage of that need.

If successful we will be applying for an SMA and look forward to working with the Department of Education and addressing any concerns you may have.

Thank you again for your comments. We look forward to working with you and your agency in providing 100% workforce housing to South Maui.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc


Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 15a

19881

DAVID Y. IGE
GOVERNOR OF HAWAII



RECEIVED
LAND DIVISION



2019 JUL -9 AM 10:57

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
STATE OF HAWAII

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 24, 2019

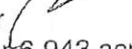
MEMORANDUM

TO:
FROM

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Hawaii District
- Historic Preservation

TO:
FROM:
SUBJECT:

Russell Y. Tsuji, Land Administrator 

Council-Initiated Change of Zone for 6.943 acres of Land for the Proposed **Kilohana Makai Project** consisting of 28 Single-Family Unit Affordable Housing (from Open Zone to R-1 Residential District)

LOCATION: South Kihei Road, Kihei, Island of Maui; TMK: (3) 3-9-004:141

APPLICANT: County of Maui, Department of Planning

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **July 15, 2019**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

- () We have no objections.
- () We have no comments.
- () Comments are attached.

Signed: 7/5/19

Print Name: ~~DAVID G. SMITH, Administrator~~

Date: _____

Attachments
cc: Central Files

EXHIBIT 16

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 24, 2019

MEMORANDUM

RECEIVED
LAND DIVISION
2019 JUN 28 AM 11:48
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

PLANNING ENGINEERING

TO:
FROM

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Hawaii District
- Historic Preservation

TO
FROM:
SUBJECT:

Russell Y. Tsuji, Land Administrator

Council-Initiated Change of Zone for 6.943 acres of Land for the Proposed **Kilohana Makai Project** consisting of 28 Single-Family Unit Affordable Housing (from Open Zone to R-1 Residential District)

LOCATION: South Kihei Road, Kihei, Island of Maui; TMK: (3) 3-9-004:141

APPLICANT: County of Maui, Department of Planning

Transmitted for your review and comment is information on the above-referenced subject matter. Please submit comments by **July 15, 2019**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Darlene Nakamura at 587-0417 or by email at darlene.k.nakamura@hawaii.gov. Thank you.

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:

Print Name: Carty S. Chang, Chief Engineer

Date: 6/28/19

Attachments
cc: Central Files

EXHIBIT 17

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

Ref: Council-Initiated Change of Zone for 6.943 acres of Land for the Proposed
Kilohana Makai Project consisting of 28 Single-Family Unit Affordable
Housing (from Open Zone to R-1 Residential District)

TMK(s): (3) 3-9-004:141

Location: South Kihei Road, Kihei, Island of Maui

Applicant: County of Maui, Department of Planning

COMMENTS

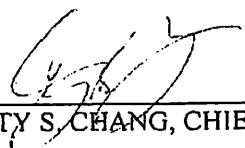
The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA's Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4846.

Signed: _____


CARTY S. CHANG, CHIEF ENGINEER

Date: _____

6/22/19

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

September 24, 2019

Ms. Michele Chouteau McLean, Director
Department of Planning, County of Maui
One Main Plaza
2200 Main Street, Suite 315
Wailuku, HI 96793

IN REPLY REFER TO:
Log No. 2019.01403
Doc No. 1909GC14
Archaeology

Dear Ms. McLean:

SUBJECT: **Chapter 6E-42 Historic Preservation Review –
Kilohana Makai Project – CIZ 2019/0001
Kula Ahupua‘a, Kula District, Island of Maui
TMK: (2) 3-9-004:141**

This letter provides the State Historic Preservation Division's (SHPD's) review regarding *CIZ 2019/001-Kilohana Makai Project*. The County of Maui is considering a proposed bill (Resolution No. 18-195) to change the zoning from Open Zone to R-1 Residential District for a 6.943-acre parcel of land identified as TMK: (2) 3-9-004:141. The change in zoning (CIZ) would facilitate the development of an affordable housing project. The current landowners of the 6.943-acre parcel is the Ferreira Family Partners LP. SHPD received this submittal on July 10, 2019 and subsequently received a SHPD HRS 6E Submittal Form via e-mail [Tara Furukawa (County of Maui Department of Planning) to Garnet Clark (SHPD)].

The HRS 6E Submittal Form indicates that CIZ 2019/0001 would help facilitate the development of 28-single family units of affordable housing with appurtenances, roadways and infrastructure improvements. Additionally, the County of Maui asserts that the current project area has been previously disturbed with the development of parking stalls for the Maui Oceanfront Hotel.

A review of SHPD records indicates that no archaeological inventory survey has been conducted for the current project area. This review also indicates that human burial features, habitation sites, and several other historic properties have been documented nearby (including Sites 50-50-10-3942, 50-50-10-3998, 50-50-10-3999), and disturbed human skeletal remains (Site 50-50-10-4000). The project area is also within the vicinity of the Keawekapu Historic Habitation Complex (Site 50-50-10-2901) and the Keawekapu Midden Scatter (Site 50-50-10-2902).

Based on the available information **SHPD has no objections** to the requested Change in Zone. The permitting process may continue.

SHPD requests the opportunity to comment on any future permits related to proposed developments involving ground disturbing activities. As indicated above, significant historic properties have been identified nearby and potential exists for similar subsurface historic properties to be present within the subject project area.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov, for any questions regarding this letter.

EXHIBIT 18

Michelle Chouteau McLean
September 24, 2019
Page 2

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Planning@co.maui.hi.us
Annalise Kehler, Annalise.Kehler@co.maui.hi.us
Tara Furukawa, Tara.furukawa@mauicounty.gov

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - Water

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

October 25, 2019

Ms. Michele Chouteau McLean, Director
Department of Planning, County of Maui
One Main Plaza
2200 Main Street, Suite 315
Wailuku, HI 96793
c/o Tara.furukawa@mauicounty.gov

IN REPLY REFER TO:
Log No. 2019.01403
Doc No. 1910GC09
Archaeology

Dear Ms. McLean:

SUBJECT: **Chapter 6E-42 Historic Preservation Review – REVISED
Kilohana Makai Project – CIZ 2019/0001
Kula Ahupua‘a, Kula District, Island of Maui
TMK: (2) 3-9-004:141**

This letter provides the State Historic Preservation Division's (SHPD's) revised review regarding the County of Maui, Department of Planning submittal titled, *Change in Zone (CIZ 2019/001)-Kilohana Makai Project, for a proposed affordable housing project*. Previously, in a letter dated September 24, 2019, (Log No. 2019.01403, Doc. No. 1909GC14), SHPD stipulated "the County of Maui, asserts the current project area has been previously disturbed with the development of parking stalls for the Maui Oceanfront Hotel." The SHPD also indicated that based on available information *SHPD has no objections* to the requested CIZ.

On October 10, 2019, the SHPD [Dr. Susan Lebo, Archaeology Branch Chief, Garnet Clark, Archaeologist and Ellen DePonte, Office Assistant IV] received an email from the County of Maui, Department of Planning [Tara Furukawa] indicating the TMK information was incorrect on the original HRS 6E Submittal Form sent to SHPD. Subsequently, the County of Maui submitted a revised HRS 6E Submittal Form which SHPD received on October 10, 2019. The revised form corrects the TMK information and has the following previously submitted information now deleted, "the County of Maui, asserts the current project area has been previously disturbed with the development of parking stalls for the Maui Oceanfront Hotel," as not applicable to the subject permit application.

The following paragraphs remain unchanged from SHPD's earlier letter dated September 24, 2019 (Log No. 2019.01403, Doc. No. 1909GC14):

A review of SHPD records indicates that no archaeological inventory survey has been conducted for the current project area and that no historic properties have been identified within the project area. SHPD records also indicate that human burial features, habitation sites, and several historic properties have been documented nearby (including Sites 50-50-10-3942, 3998, 3999), disturbed human skeletal remains (Site 50-50-10-4000). The project area is also within the vicinity of the Keawekapu Historic Habitation Complex (Site 50-50-10-02901) and the Keawekapu Midden Scatter (Site 50-50-10-02902).

Based on the available information **SHPD has no objections** to the requested Change in Zone. The permitting process may continue.

SHPD request the opportunity to comment on any future proposed developments and ground disturbances.

Michelle Chouteau McLean
October 25, 2019
Page 2

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief at (808) 692-8019 or at Susan.A.Lebo@hawaii.gov for any questions regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Maui County: Planning@co.maui.hi.us; Annalise.Kehler@co.maui.hi.us

19/3874

PHONE (808) 594-1888

FAX (808) 594-1938



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

HRD19-8950

July 15, 2019

Tara K. Furukawa
Staff Planner
County of Maui, Department of Planning
One Main Plaza
2200 Main Street, Suite 315
Wailuku, HI. 96793

DEPT. OF PLANNING
COUNTY OF MAUI

JUL 26 2019

RECEIVED

Re: Council-initiated Change of Zoning, CIZ 2019/0001, Kilohana Makai Project
Kama'ole Ahupua'a, Kula Moku, Maui Moku
Tax Map Keys: (2) 3-9-004: 141

Aloha e Ms. Furukawa,

The Office of Hawaiian Affairs (OHA) is in receipt of the County of Maui (County) Department of Planning's invitation to comment on a Council-initiated Change of Zoning, CIZ 2019/0001, for 6.943 acres of land off South Kihei Road in West Maui. The project proponent, Aina Lani Pacific LLC/Lehua Builders, is seeking a rezoning of this land from Open Space to the R-1 Residential District for the purposes of constructing 28 single-family affordable housing units. As the proponent's effort to create more affordable housing currently has the support of the County Council, the Council has initiated the re-zoning to expedite the process.¹ However, the proponent is still required to submit necessary project details to the Maui Planning Commission and go through the public hearing process pursuant to Maui County Code 19.510 governing application procedures.

The materials included with the invitation for comment only details that there will be hook ups to local infrastructure (i.e., sewer, water) and grading of the property for the residential units. A Department of Planning "Director's Report" which assesses application completeness will be forthcoming pending the completion of all necessary application requirements. Although OHA applauds efforts to provide more affordable housing, the decision to rezone an Open Space parcel should be done cautiously as these spaces are meant to preserve and protect areas with important environmental, scenic, and cultural resources.

EXHIBIT 19

¹ See Council of the County of Maui Resolution No. 18-195.

OHA offers the following comments and recommendations, regarding: Native Hawaiian traditional and customary rights, community consultation, and historic preservation compliance.

Native Hawaiian Traditional and Customary Rights

OHA would like the County to ensure that there will be a good faith effort to document cultural resources and practices on the subject property as required by law. Article XII Section 7 of the State of Hawai'i Constitution states:

“the State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778...”

In *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, 94 Haw. 31 (2000), hereinafter *Ka Pa'akai*, the Hawai'i Supreme Court, reiterated the importance of Section 7 and reaffirmed that the State and its agencies are obligated to reasonably protect the traditional and customary rights of Hawaiians.

The *Ka Pa'akai* court decision set forth that a proper analysis of cultural impacts shall include: 1) the identity and scope of valued cultural, historical, or natural resources in the subject area, including the extent to which traditional and customary native Hawaiian rights are exercised; 2) the extent to which those resources – including traditional and customary native Hawaiian rights – will be affected or impaired by the proposed action; and, 3) the feasible action, if any, to be taken by the (agency) to reasonably protect native Hawaiian rights if they are found to exist. OHA thus requests that a “*Ka Pa'akai* analysis” be required as part of the re-zoning conditions.

Community Consultation

As the Maui County Code also requires that re-zoning applications demonstrate conformance with the Community Plan and a list of owners within a 500-foot distance of the project area, an effort should be made to consult with the community throughout the process.² At a regular meeting of the Council on December 11, 2018, some councilmembers believed that the proponent had not made any efforts to reach out to the community and that a lack of project details has created some anxiety about the project.³ One councilmember alleged that there was confusion in the community regarding the project's alignment with the Community Plan, as some felt that the existing open space zones were created to compensate for other development in the area. In an effort to address these concerns and minimize confusion within the community, OHA recommends that early consultation with the community be required as part of the re-zoning conditions. Although the re-zoning process allows for public hearings, proactive consultation will allow the community to communicate their concerns early-on in the process and feel more included in this effort to provide much-needed affordable housing.

² Maui County Code 19.510.010.D.6 and D.7.

³ See Minutes of the Council of the County of Maui Regular Meeting, dated December 11, 2018. Available online: <https://www.mauicounty.gov/ArchiveCenter/ViewFile/Item/25684>

Tara K. Furukawa
July 15, 2019
Page 3

Historic Preservation Compliance

In terms of Hawai'i Revised Statutes (HRS) 6E Historic Preservation law, OHA assumes that the project will be sent to the State Historic Preservation Division (SHPD) for HRS 6E review as they have the jurisdictional authority to administer HRS 6E. OHA thus requests assurances from the County and applicant that SHPD will be allowed to review this project at the appropriate times. OHA further notes that the Maui County Code requires that SHPD and OHA be allotted the opportunity to provide comments on preliminary archaeological and historical data supplied with the re-zoning application.⁴ Any subsequent preservation or mitigation plans would further require review and approval by OHA and SHPD. As the invitation for comment does not include any preliminary archaeological and historical data, OHA assumes that we will be contacted in the near future for review.

OHA looks forward to reviewing any proposed re-zoning conditions, formal application (inclusive of full project details and preliminary archaeological data), and the forthcoming "Director's Report". OHA is willing to discuss our recommendations further should clarification or procedural refinement be necessary. Should you have any questions, please contact our Lead Compliance Specialist, Kamakana C. Ferreira, at (808) 594-0227, or by email at kamakanaf@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Sylvia M. Hussey, Ed.D.
Ka Pouhana, Interim Chief Executive Officer

KC:kf

⁴ Maui County Code 19.510.010.D.9



August 8, 2019

Ms. Sylvia M. Hussey
State of Hawaii, Office of Hawaiian Affairs
560 N. Nimitz Hwy, Suite 200
Honolulu, HI 96817

RE: Council-Initiated Change in Zoning, CIZ 2019/0001
Kilohana Makai Project, Kama'ole Ahupua'a, Kula Moku, Maui Mokupuni
TMK (2)3-9-004:141

Dear Ms. Hussey,

Thank you for your comments. The subject parcel is zoned residential on the community plan and open zone (not open space) as the current zoning. Based on that, we are staying consistent with the community plan.

We continue to work with the Council-Initiated Zoning process to help move this parcel into compliance with the community plan zoning to provide 100% workforce housing 28 single-family homes.

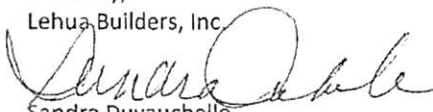
As I am sure you know, workforce housing projects are a challenge. The need is so great for workforce and affordable housing. With these 28 homes, we would only be filling a small percentage of that need.

We appreciate your recommendations and want to assure you and your department that our intention is to remain fully transparent in our due diligence period and the entire SMA process. We will do extensive community outreach to engage the Native Hawaiian community, agencies and associations to gain their input and suggestions when we are at the SMA application stage. We have presented our vision to the County council representative for Kihei, the Kihei Community Association as well as to Mr. Vernon Kalanikau.

Thank you again for your comments. We look forward to working with you and your agency in providing 100% workforce housing to South Maui.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc


Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 199

19 | 3928

DAVID Y. IGE
GOVERNOR



JADE T. BUTAY
DIRECTOR

Deputy Director
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

2019 JUL 31 A 9:34

COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION

IN REPLY REFER TO:
DIR 0633
HWY-PS 2.0439

July 16, 2019

Ms. Michele Chouteau McLean
Director
County of Maui
Department of Planning
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Dear Ms. McLean:

Subject: Change in Zone CIZ 2019/0001, Open to Residential R-1
Kilohana Makai Project
Maui, Kihei, TMK: (2) 3-9-004: 141

The applicant, Aina Lani Pacific, LLC/Lehua Builders, proposes to develop an affordable housing project of about 28 dwelling units on about 6.943 acres of land in Kihei. The project will access Wela Street, a road under the jurisdiction of the County of Maui, and is bounded by South Kihei Road, Wela Street, and Ala Koa Street.

The Hawaii Department of Transportation has reviewed the proposed development and its traffic assessment and the proposed affordable housing development is not anticipated to have a significant impact to our state highways.

If there are any questions regarding these comments, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch, at (808) 587-1830 or by email at ken.tatsuguchi@hawaii.gov. Please reference file review number 2019-089.

Sincerely,

JADE T. BUTAY
Director of Transportation

EXHIBIT 20

19/3424

DAVID Y. IGE
GOVERNOR



CURT T. OTAGURO
COMPTROLLER
AUDREY HIDANO
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
Ma-080(19)

June 25, 2019

MEMORANDUM

TO: Michele Chouteau McLean, AICP, Director
Department of Planning, County of Maui

ATTN: Tara K. Furukawa, Staff Planner

FROM: Reid K. Siarot, State Land Surveyor *Mike*
DAGS, Survey Division

SUBJECT: Kilohana Makai Project
Applicant: Aina Lani Pacific LLC/Lehua Builders
Permit No.: CIZ 2019/0001
TMK: 3-9-04: 141

RECEIVED

JUL 3 2019

COUNTY OF MAUI
DEPARTMENT OF PLANNING

This is in regards to your transmittal dated June 18, 2019 and request for comment on the subject project.

The subject project has been reviewed and confirmed that no Government Survey Triangulation Stations or Benchmarks are affected. Survey Division has no objections to the proposed project.

Should you have any questions, please call me at 586-0390.

EXHIBIT 21

19/3782

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

July 15, 2019

Mr. Clayton Yoshida, Planning Program Administrator
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i, 96793
Attn: Tara Furukawa

C1Z 20A/0001

Dear Mr. Yoshida:

Subject: Change of Zoning for Kilohana Makai Project, TMK (2) 3-9-004:141
Kihei, Maui

The Department of Hawaiian Home Lands acknowledges receiving the request for comments on the above-cited project. After reviewing the materials submitted, due to its lack of proximity to Hawaiian Home Lands, we do not anticipate any impacts to our lands or beneficiaries from the project.

However, we highly encourage all agencies to consult with Hawaiian Homestead community associations and other (N)ative Hawaiian organizations better assess potential impacts to cultural and natural resources, and other rights of Native Hawaiians.

Mahalo for the opportunity to provide comments. If you have any questions, please call Malia Cox, at 620-9485 or contact via email at malia.m.cox@hawaii.gov.

Aloha,

William J. Aila Jr., Chairman
Hawaiian Homes Commission

EXHIBIT 22

DEPT. OF PLANNING
COUNTY OF MAUI

JUL 22 2019

RECEIVED



August 8, 2019

Mr. William J. Aila, Chairman
State of Hawaii, Department of Hawaiian Home Lands
PO Box 1879
Honolulu, HI 96805

RE: Change of Zoning for Kilohana Makai Project, TMK (2)3-9-004:141
Kihei, Maui

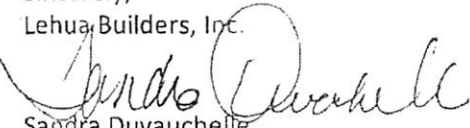
Dear Mr. Aila,

Thank you for your timely response in regards to our change in zoning. If we are successful in moving this 100% workforce housing project forward, we will be reaching out to your department again with our SMA Application.

We appreciate your recommendations and want to assure you and your department that our intention is to remain fully transparent in our due diligence period and the entire SMA process. We will make sure that the Native Hawaiian community and its organizations/associations are made a part of the planning of this project, in hopes of filling a small portion of Maui's workforce housing needs.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc.


Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 229

AGENCY NAME		PHONE	
--------------------	--	--------------	--

Agency Transmittal – KILOHANA MAKAI PROJECT (CIZ 2019/0001)

June 18, 2019

Page 3

NO COMMENT			
Signed:	<i>Rodney Funakoshi</i>	Dated:	7/1/19
Print Name:	Rodney Funakoshi	Title:	Planning Prog. Adm.

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	

GENERAL COMMENTS BOX			
Signed:		Dated:	
Print Name:		Title:	

EXHIBIT 23

19/5489

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793-3378

October 18, 2019

Ms. Michele Chouteau McLean
Director
Department of Planning
County of Maui
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

Attn: Tara K. Furukawa

Dear Ms. McLean:

Subject:	KILOHANA MAKAI PROJECT
Applicant:	Aina Lani Pacific LLC/Lehua Builders
Permit No.:	CIZ 2019/0001
TMK:	(2) 3-9-004:141
Location:	Off South Kihei Road
Description:	Council-initiated Change of Zoning for 6.943 acres of land for the proposed 28 single family unit affordable housing project

Thank you for the opportunity to review this project. We have the following comments to offer:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage may be required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

EXHIBIT 24

RECEIVED
OCT 21 2019
COUNTY OF MAUI
DEPARTMENT OF PLANNING

Ms. Michele Chouteau McLean
October 18, 2019
Page 2

It is strongly recommended that you review the department's website at <https://health.hawaii.gov/epo/files/2018/05/DOHEHA.LandUseContactList.20180502.pdf> and contact the appropriate program that concerns your project.

Should you have any questions, please contact me at 808 984-8230 or email me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Patti Kitkowski". The signature is fluid and cursive, with the first name "Patti" being more prominent than the last name "Kitkowski".

Patti Kitkowski
District Environmental Health Program Chief

c Alec Wong, Acting EMD Administrator {Via Email}



October 22, 2019

Ms. Patti Kitkowski
State of Hawaii, Department of Health
Maui District Health Office
54 High Street
Wailuku, HI 96793

RE: Kilohana Makai Project (applicants: Aina Lani Pacific LLC/Lehua Builders)
Council-initiated Change in Zoning, Permit No. CIZ 2019/0001
TMK (2)3-9-004:141

Dear Ms. Kitkowski,


We are in receipt of your letter dated October 18, 2019. We appreciate you taking the time to review this project and want to assure you and your department that we are working diligently to keep in compliance in all phases of the project. Our plan is to obtain both the NPDES and Noise permits for the subject project.

We continue to work with the Council-Initiated Zoning process to help move this parcel into compliance with the community plan zoning to provide 100% workforce housing 28 single-family homes.

Thank you again for your comments. We look forward to working with you and your agency in providing 100% workforce housing to South Maui.

If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc.


Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 24a

AGENCY NAME		PHONE	
--------------------	--	--------------	--

Agency Transmittal – KILOHANA MAKAI PROJECT (CIZ 2019/0001)

June 18, 2019

Page 3

NO COMMENT			
Signed:		Dated:	
Print Name:		Title:	

RECOMMENDED CONDITIONS BOX			
Signed:		Dated:	
Print Name:		Title:	


GENERAL COMMENTS BOX			
<p>PLEASE PROVIDE LOAD CALCULATIONS AS SOON AS POSSIBLE.</p> <p>THANK YOU</p>			
Signed:		Dated:	7/15/19
Print Name:	KEITH SAKAMOTO	Title:	ENG SUPERVISOR

EXHIBIT 25



August 8, 2019

Mr. Keith Sakamoto, Engineering Supervisor
Maui Electric Co., Ltd.
210 W. Kamehameha Ave.
Kahului, HI 96732

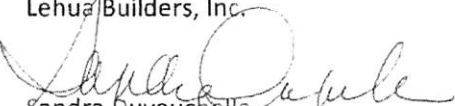
RE: Kilohana Makai Project - CIZ 2019/0001

Dear Mr. Sakamoto,

Thank you for your response. We are attaching a copy of the load calculations from ECM, Inc.

We look forward to working with Maui Electric on this 100% workforce housing project. If you have any questions or require any additional information, please reach out to me at (808)870-9860 or via email at sandy@lehuabuilders.com

Sincerely,
Lehua Builders, Inc.


Sandra Duvauchelle
Vice President

SD:mg

EXHIBIT 25a



Electrical Engineering Consultants

130 N. Market Street • Wailuku HI 96793-1716 • 808.242.8070 • Fax: 808.244.9539 • Email: ecm@ecm-maui.com

July 24, 2019

Mr. Howie Kihune
Aina Lani Pacific LLC

Subject: **Kilohana Makai Project**

Dear Howie,

The above project is a 28 lot workforce/affordable housing project with lots between 6,000 and 7,000 sf. Based on this information, we would estimate the demand load for the project at 126 to 140 kVA.

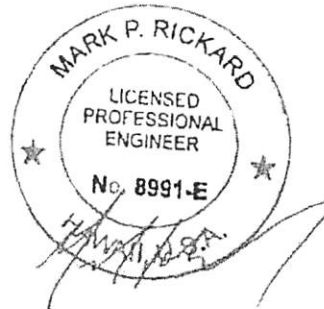
Should you have any questions or concerns, please feel free to call me at 808.242.8070 x29. Thank you.

Sincerely,

ECM, Inc.

A handwritten signature in black ink, appearing to read 'Mark P. Rickard', is written over the printed name.

Mark P. Rickard, PE
Vice President



Kilohana Makai Project Letter

Tara Furukawa - Fwd: RE: Kilohana Makai Electrical Demand

From: Tara Furukawa
To: Kihune Howie <hkihunejr@aol.com>; Duvauchelle Sandra <lehuaserv@aol.com>
Date: 10/8/2019 3:17 PM
Subject: Fwd: RE: Kilohana Makai Electrical Demand

>>> "Sakamoto, Keith" <keith.sakamoto@mauielectric.com> 10/8/2019 3:04 PM >>>

Hi Tara,

Sorry for the late reply. I was out of the office last week.
This is good enough for now. If a service request could be submitted as soon as possible that would be great.

Thank you,

From: Tara Furukawa [Tara.Furukawa@co.maui.hi.us]
Sent: Wednesday, October 02, 2019 9:12 AM
To: Sakamoto, Keith
Subject: Re: Kilohana Makai Electrical Demand

[This email is coming from an EXTERNAL source. Please use caution when opening attachments or links in suspicious email.]

Hi Keith, I was just wondering if the demand is sufficiently addressed. Please let me know. Thanks!

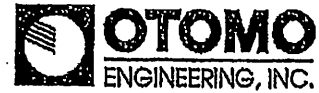
Tara Furukawa, Staff Planner
County of Maui Department of Planning
2200 Main St., Suite 619
Wailuku, HI 96793
[\(808\) 270-7520](tel:(808)270-7520)
Email: tara.furukawa@co.maui.hi.us

>>> Tara Furukawa 7/29/2019 7:52 AM >>>

Hi Keith, as per your request, please find attached the proposed Kilohana Makai affordable housing electrical demand.

Tara Furukawa, Staff Planner
County of Maui Department of Planning
2200 Main St., Suite 619

EXHIBIT 256



CONSULTING CIVIL ENGINEERS
305 SOUTH HIGH STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793
PHONE: (808) 242-0032

April 18, 2019

Ms. Tara Furukawa
Department of Planning
County of Maui
2200 Main Street, Suite 619
Wailuku, Hawaii 96793

Dear Ms. Furukawa:

Subject: Ferreira Parcel
T.M.K.: (2) 3-9-004: 141

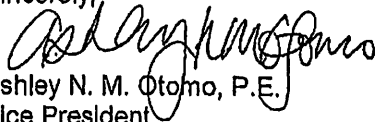
The project will be serviced by 8" waterlines, which will connect to the existing 8" waterlines on the adjacent street (Wela Street). The lots will be serviced by 5/8" water meters. The potable demand is 600 gpd per unit. There is no non-potable service to this site.

New 8" sewerlines will be installed as part of the project and will connect to the existing 8" sewerline that runs through the subject property.

Onsite runoff will be collected by various methods and conveyed to an onsite subsurface drainage system and/or retention basin. The drainage and BMP plan will be in accordance with Chapter 4, Rules for the Design of Storm Drainage Facilities in the County of Maui and Chapter 111, Rules for the Design of Storm Water Treatment Best Management Practices.

Please feel free to contact me at 808-242-0032 or ashley@otomoengineering.com should you have any further questions or concerns.

Sincerely,


Ashley N. M. Otomo, P.E.
Vice President

cc: Howie Kihune

EXHIBIT 26



TERRANCE S. ARASHIRO, P.E.
ADRIENNE W. L. H. WONG, P.E., LEED AP
DEANNA M. R. HAYASHI, P.E.
PAUL K. ARITA, P.E.
ERIK S. KANESHIRO, L.P.L.S., LEED AP
MATT K. NAKAMOTO, P.E.
GARRETT K. TOKUOKA, P.E.

#19-507

July 12, 2019

Mr. Howard Kihune Jr.
Aina Lani Pacific LLC
2173 Auina Place
Kihei, Hawaii 96753

Dear Mr. Kihune:

**Subject: Traffic Assessment Report
For the Proposed Kilohana Makai Project
Kihei, Maui, Hawaii
TMK: (2) 3-9-004:141**

Austin, Tsutsumi & Associates, Inc. (ATA) has conducted this traffic assessment report for the proposed Kilohana Makai Project (hereinafter referred to as the "Project").

Project Description

The Kilohana Makai Project is an affordable housing project with 28 proposed single-family units. One (1) Ohana unit will be permitted for each of the 28 units. The Project will be located upon approximately 6.9 acres of land south of Ala Koa Street, west of Wela Street and east of South Kihei Road. Direct access to the site will be provided via Wela Street. Figure 1 shows the Project site plan.

Existing Roadways

Ala Koa Street is a two-way, two-lane, undivided roadway which extends easterly from its T-intersection with South Kihei Road until its terminus in a cul-de-sac. Ala Koa Street currently serves the Aston Maui Hill Resort Kilohana Ridge residential development. Wela Street is a north-south local street within Kilohana Ridge. The posted speed limit along South Kihei Road is 30 miles per hour (mph) in the vicinity of the study area.

EXHIBIT 27

KILOHANA MAKAI TRAFFIC ASSESSMENT

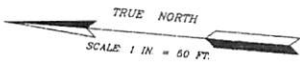


FIGURE 1



Mr. Howard Kihune Jr.
 Aina Lani Pacific LLC

July 12, 2019

Summary of Findings

Existing Traffic Conditions

Manual turning movement counts were recorded on April 4, 2018 at the South Kihei Road and Ala Koa Street intersection during the AM and PM peak hours, which occurred from 7:45 AM – 8:45 AM and 3:30 PM – 4:30 PM, respectively.

During both peak hours, minimal queueing was observed due to low volumes of southbound left turn movements and westbound left turn movements, and adequate gaps in the South Kihei Road traffic. All movements operated at LOS C or higher during both peak hours. A summary of volumes and LOS for Existing conditions can be found in Figure 2.

Base Year 2021 Conditions

The Base Year 2021 scenario includes a 0.5% annual ambient growth forecast by the Maui Regional Travel Demand Model (MRTDM) and other known developments in the vicinity of the Project anticipated to be completed by the Year 2021. Note that this scenario conservatively assumes completion of the proposed KIRC Kihei Education and Operations Center (forecast Year 2022 build-out) across from Ala Koa Street, which will be converted from an existing T-intersection to a full movement 4-leg intersection. In total, ambient growth and other known developments are anticipated to increase traffic along South Kihei Road by about 50-90 vehicles per direction per peak hour.

Analysis suggests that all movements at the South Kihei Road and Ala Koa Street intersections will continue to operate at LOS C or higher, with the exception of the minor eastbound shared left/through/right movement, which will operate at LOS D during the PM peak hour. A summary of volumes and LOS for Base Year 2021 can be found in Figure 2.

Project Trip Generation

Trips generated by the proposed Project were estimated using the Trip Generation Manual, 10th Edition, which provides trip rates and/or formulae based on correlations between vehicular traffic and independent variables based upon empirical data. Table 1 shows the anticipated trip generation by the Project. For trip generation purposes, each of the 28 single-family dwelling units were conservatively assumed to have an Ohana unit, for a total of 56 dwelling units.

Table 1: Kilohana Makai Subdivision Generated Trips

Land Use	ITE Code	Quantity	IV	AM Peak			PM Peak		
				Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached Housing	210	56	DU	11	34	45	37	22	59



Mr. Howard Kihune Jr.
Aina Lani Pacific LLC

July 12, 2019

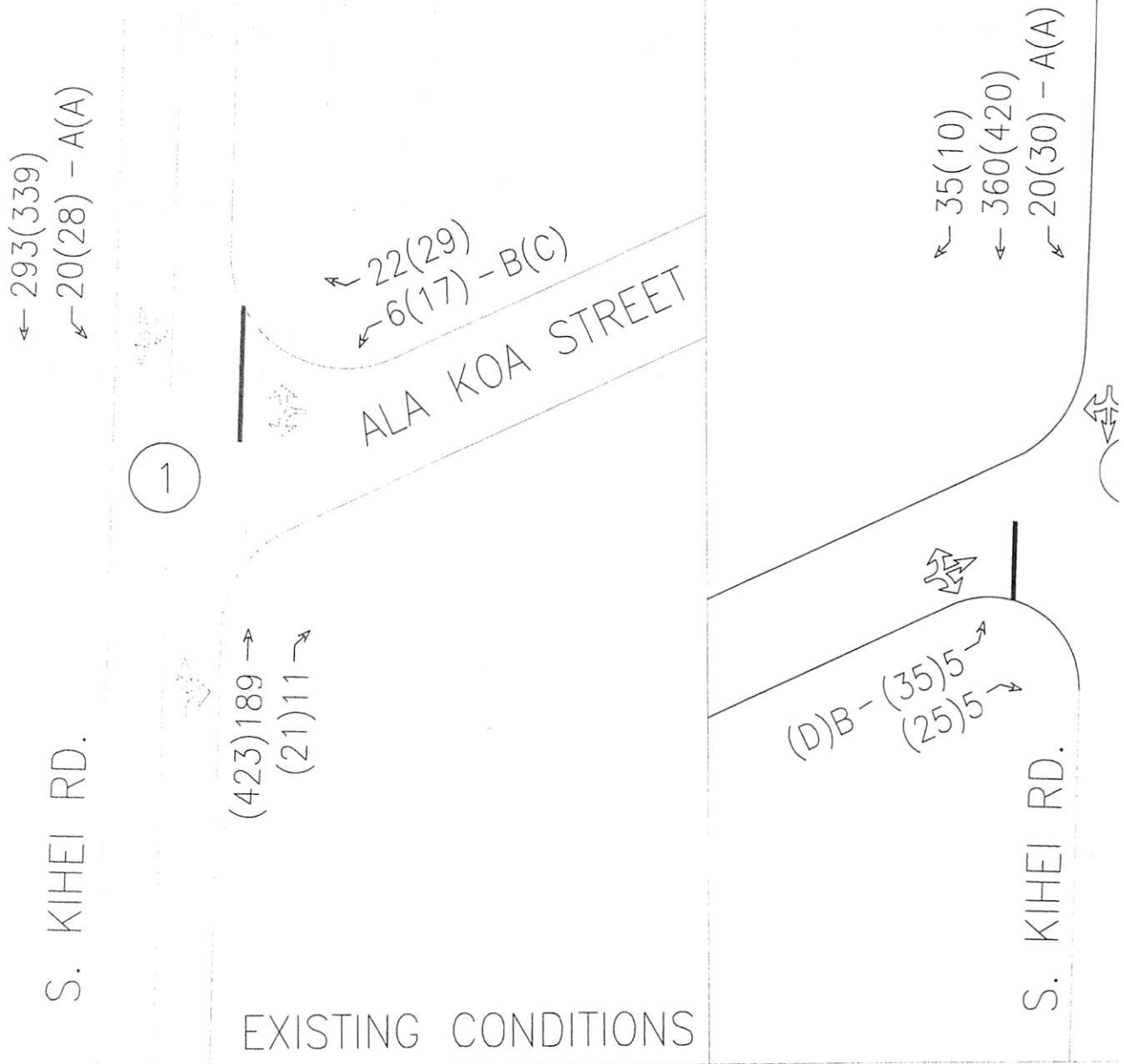
Future Year 2021 Conditions

With the 45(59) trips generated by the Project during the AM(PM) peak hours, all movements will continue to operate adequately with LOS D or better. A summary of volumes and LOS for Future Year 2021 can be found in Figure 2.

Conclusions

The Project is anticipated to add 45(59) trips to the Study intersection during the AM(PM) peak hours. The addition of the Project traffic is anticipated to have minimal impact to the South Kihei Road/Ala Koa Street intersection, with increases of only 0-5 seconds at each approach. No improvements are recommended as a result of the Project.

KILOHANA MAKAI TRAFFIC ASSESSMENT



Intersection	Existing Conditions					
	AM			PM		
	HCM Delay	v/c Ratio	LOS	HCM Delay	v/c Ratio	LOS
1. South Kihei Rd & Ala Koa Street						
WB LT/RT	11.8	0.06	B	15.1	0.12	C
SB LT	8.3	0.02	A	8.6	0.03	A
Overall	0.9	-	-	1.1	-	-

Intersection
1. South Kihei Rd & Ala Koa Street
NB LT
EB LT/TH/RT
WB LT/TH/RT
SB LT
Overall

FIGURE 2



Mr. Howard Kihune Jr.
Aina Lani Pacific LLC

July 12, 2019

We appreciate the opportunity to have performed this Traffic Assessment Report for the Project. Should you require clarification, please call me at (808) 244-8044.

Sincerely,

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By

TYLER K. FUJIWARA, P.E.
Chief Transportation Manager - Maui

TF:kl

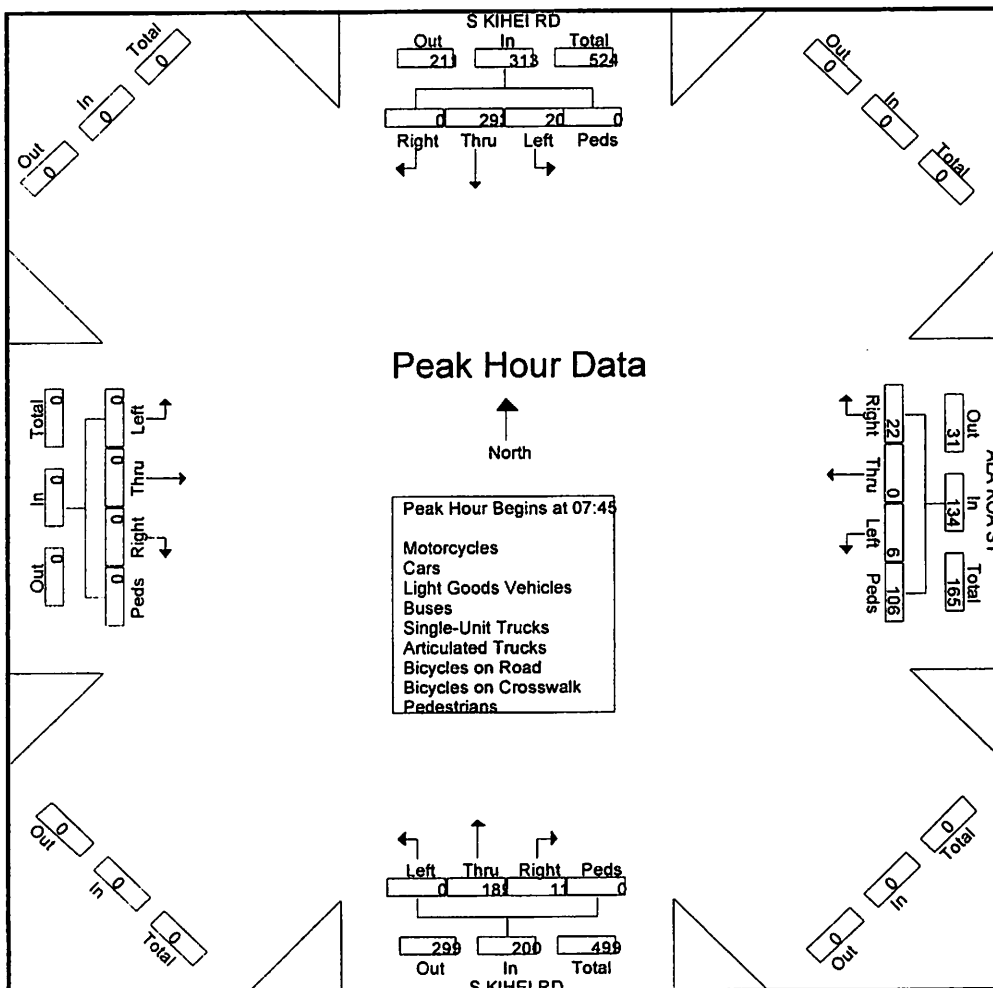
Enclosures: 1. Traffic Counts

Austin Tsutsumi & Associates

501 Sumner Street, Suite 521
 Honolulu, HI 96817-5031
 Phone: 533-3646 Fax: 526-1267

File Name : S Kihei Rd - Ala Koa St
 Site Code : 18-510 Kihei Information Center & Admin Bldg
 Start Date : 4/4/2018
 Page No : 2

Start Time	S KIHEI RD SOUTHBOUND					ALA KOA ST WESTBOUND					S KIHEI RD NORTHBOUND					EASTBOUND					Total
	Left	Thru	Rgt	Ped	App	Left	Thru	Rgt	Ped	App	Left	Thru	Rgt	Ped	App	Left	Thru	Rgt	Ped	App	
07:45	5	72	0	0	77	1	0	3	43	47	0	45	5	0	50	0	0	0	0	0	174
08:00	4	60	0	0	64	2	0	4	30	36	0	52	3	0	55	0	0	0	0	0	155
08:15	6	83	0	0	89	2	0	6	26	34	0	50	2	0	52	0	0	0	0	0	175
08:30	5	78	0	0	83	1	0	9	7	17	0	42	1	0	43	0	0	0	0	0	143
Total	20	293	0	0	313	6	0	22	106	134	0	189	11	0	200	0	0	0	0	0	647
% App	6.4	93.6	0	0		4.5	0	16.4	79.1		0	94.5	5.5	0		0	0	0	0		
PHF	.833	.883	.000	.000	.879	.750	.000	.611	.616	.713	.000	.909	.550	.000	.909	.000	.000	.000	.000	.000	.924



Austin Tsutsumi & Associates

501 Sumner Street, Suite 521

Honolulu, HI 96817-5031

Phone: 533-3646 Fax: 526-1267

File Name : S Kihei Rd - Ala Koa St

Site Code : 18-510 Kihei Information Center & Admin Bldg

Start Date : 4/4/2018

Page No : 1

Groups Printed- Motorcycles - Cars - Light Goods Vehicles - Buses - Unit Trucks - Articulated Trucks - Bicycles on Road - Bicycles on Crosswalk - Pedestrians

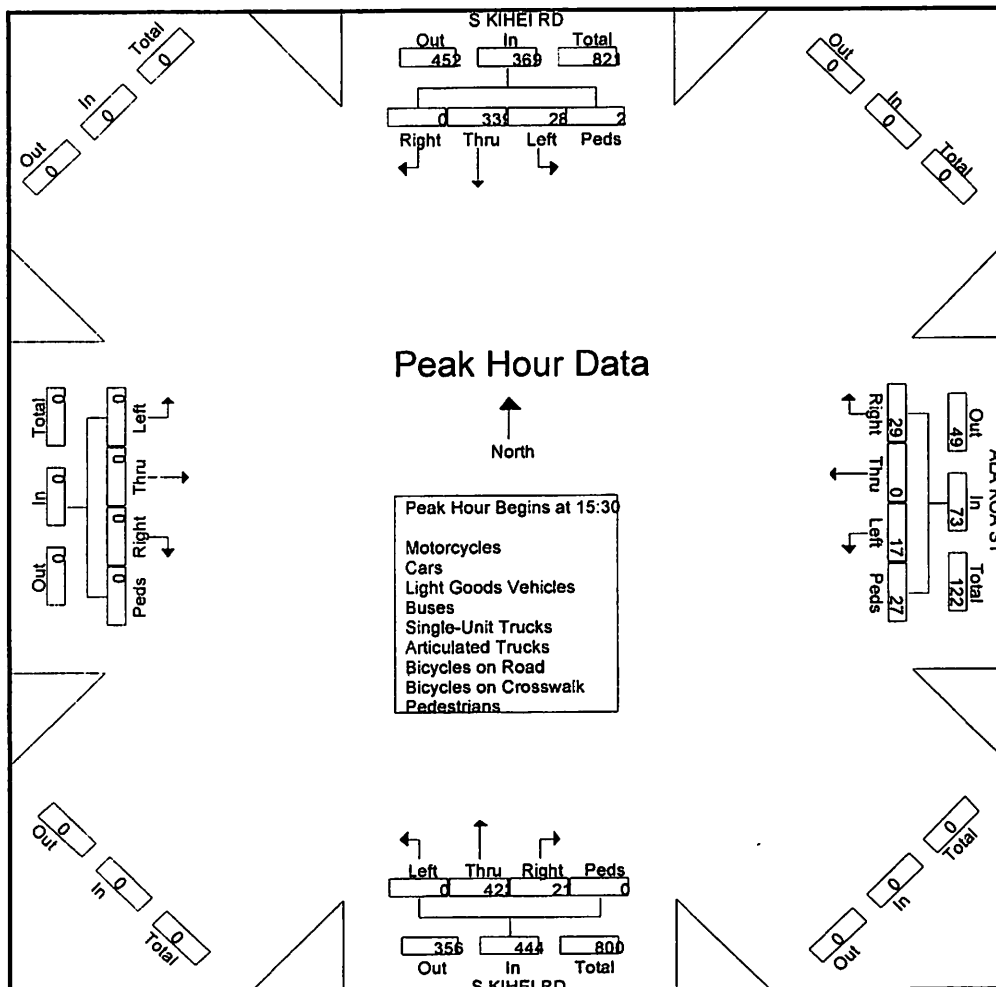
Start Time	S KIHEI RD SOUTHBOUND				ALA KOA ST WESTBOUND				S KIHEI RD NORTHBOUND				EASTBOUND				Total
	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	Left	Thru	Right	Peds	
15:00	8	77	0	0	3	0	5	8	0	95	7	0	0	0	0	0	203
15:15	3	99	0	0	2	0	8	6	0	91	3	0	0	0	0	0	212
15:30	5	96	0	0	2	0	3	6	0	98	5	0	0	0	0	0	215
15:45	7	73	0	0	2	0	4	8	0	110	4	0	0	0	0	0	208
Total	23	345	0	0	9	0	20	28	0	394	19	0	0	0	0	0	838
16:00	6	80	0	2	7	0	10	7	0	89	4	0	0	0	0	0	205
16:15	10	90	0	0	6	0	12	6	0	126	8	0	0	0	0	0	258
16:30	1	70	0	0	3	0	2	7	0	80	3	0	0	0	0	0	166
16:45	6	68	0	0	3	0	8	2	0	100	4	0	0	0	0	0	191
Total	23	308	0	2	19	0	32	22	0	395	19	0	0	0	0	0	820
17:00	8	90	0	0	9	0	6	17	0	83	7	0	0	0	0	0	220
17:15	5	77	0	0	1	0	12	8	0	110	5	0	0	0	0	0	218
17:30	3	80	0	0	7	0	7	6	0	106	4	1	0	0	0	0	214
17:45	6	66	0	0	1	0	5	6	0	78	1	0	0	0	0	0	163
Total	22	313	0	0	18	0	30	37	0	377	17	1	0	0	0	0	815
Grand Total	68	966	0	2	46	0	82	87	0	1166	55	1	0	0	0	0	2473
Apprch %	6.6	93.2	0	0.2	21.4	0	38.1	40.5	0	95.4	4.5	0.1	0	0	0	0	
Total %	2.7	39.1	0	0.1	1.9	0	3.3	3.5	0	47.1	2.2	0	0	0	0	0	
Motorcycles	0	19	0	0	0	0	0	0	0	18	0	0	0	0	0	0	37
% Motorcycles	0	2	0	0	0	0	0	0	0	1.5	0	0	0	0	0	0	1.5
Cars	58	797	0	0	42	0	61	0	0	944	51	0	0	0	0	0	1953
% Cars	85.3	82.5	0	0	91.3	0	74.4	0	0	81	92.7	0	0	0	0	0	79
Light Goods Vehicles	9	126	0	0	4	0	20	0	0	182	3	0	0	0	0	0	344
% Light Goods Vehicles	13.2	13	0	0	8.7	0	24.4	0	0	15.6	5.5	0	0	0	0	0	13.9
Buses	0	7	0	0	0	0	1	0	0	4	1	0	0	0	0	0	13
% Buses	0	0.7	0	0	0	0	1.2	0	0	0.3	1.8	0	0	0	0	0	0.5
Single-Unit Trucks	0	4	0	0	0	0	0	0	0	7	0	0	0	0	0	0	11
% Single-Unit Trucks	0	0.4	0	0	0	0	0	0	0	0.6	0	0	0	0	0	0	0.4
Articulated Trucks	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2
% Articulated Trucks	0	0	0	0	0	0	0	0	0	0.2	0	0	0	0	0	0	0.1
Bicycles on Road	1	13	0	0	0	0	0	0	0	9	0	0	0	0	0	0	23
% Bicycles on Road	1.5	1.3	0	0	0	0	0	0	0	0.8	0	0	0	0	0	0	0.9
Bicycles on Crosswalk	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1
% Bicycles on Crosswalk	0	0	0	0	0	0	0	1.1	0	0	0	0	0	0	0	0	0
Pedestrians	0	0	0	2	0	0	0	86	0	0	0	1	0	0	0	0	89
% Pedestrians	0	0	0	100	0	0	0	98.9	0	0	0	100	0	0	0	0	3.6

Austin Tsutsumi & Associates

501 Sumner Street, Suite 521
 Honolulu, HI 96817-5031
 Phone: 533-3646 Fax: 526-1267

File Name : S Kihei Rd - Ala Koa St
 Site Code : 18-510 Kihei Information Center & Admin Bldg
 Start Date : 4/4/2018
 Page No : 2

Start Time	S KIHEI RD SOUTHBOUND					ALA KOA ST WESTBOUND					S KIHEI RD NORTHBOUND					EASTBOUND					
	Left	Thru	Rg	Ped	App	Left	Thru	Rg	Ped	App	Left	Thru	Rg	Ped	App	Left	Thru	Rg	Ped	App	Total
Peak Hour Analysis From 15:00 to 17:45 - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 15:30																					
15:30	5	96	0	0	101	2	0	3	6	11	0	98	5	0	103	0	0	0	0	0	215
15:45	7	73	0	0	80	2	0	4	8	14	0	110	4	0	114	0	0	0	0	0	208
16:00	6	80	0	2	88	7	0	10	7	24	0	89	4	0	93	0	0	0	0	0	205
16:15	10	90	0	0	100	6	0	12	6	24	0	126	8	0	134	0	0	0	0	0	258
Total	28	339	0	2	369	17	0	29	27	73	0	423	21	0	444	0	0	0	0	0	886
% App	7.6	91.9	0	0.5		23.3	0	39.7	37		0	95.3	4.7	0		0	0	0	0		
PHF	.700	.883	.000	.250	.913	.607	.000	.604	.844	.760	.000	.839	.656	.000	.828	.000	.000	.000	.000	.000	.859



Sea Level Rise : Hawai'i Sea Level Rise Viewer

[view full-screen map](#)



Sea Level Rise Viewer

WATER LEVEL

10ft

9ft

8ft

7ft

6ft

5ft

4ft

3ft

2ft

1ft

Current MHHW

UNITS



Flood Hazard Assessment Tool



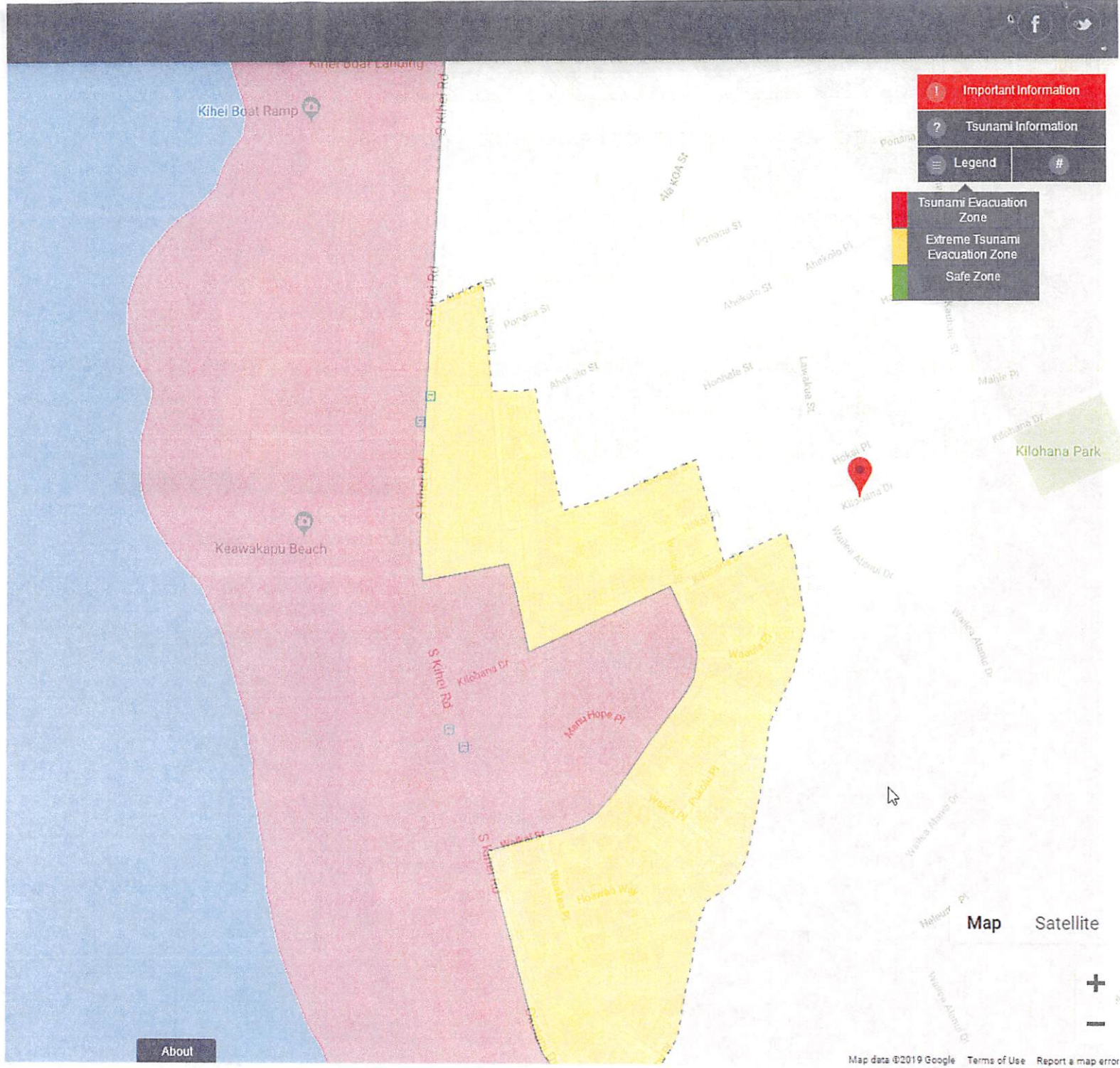


EXHIBIT 31

Tara Furukawa - Wela Street Rezoning Application

From: Wendy & Mac Wishart <wishart@shaw.ca>
To: <planning@mauicounty.gov>
Date: 10/24/2019 5:12 AM
Subject: Wela Street Rezoning Application
Cc: Kilohana Ridge Board of Directors <kilohanaridgeboard@gmail.com>

Dear Planning Committee Chair,

I am a home owner on Hoohale Street in Kihei. It has been brought to my attention that a proposal to rezone and develop vacant property along Wela Street is scheduled to come before the Planning Committee on November 12, 2019. I am unable to attend that meeting in person but I would like to express my concerns and disapproval with the proposal.

The land is currently zoned open space which for several reasons seems appropriate. There needs to be compelling reasons to rezone the land to R1. I am not aware of any such rationale.

The Wela Street open space could be subject to flooding as the oceans rise. Have the implications and costs of ocean rising been fully examined and assessed?

There does not appear to be any proposed development plans for the Wela Street property for the Planning Committee or residents to consider when assessing the rationale for rezoning. It seems logical for development plans and development alternatives to be presented to the Planning Committee before a decision on rezoning can be properly considered.

Traffic congestion, pedestrian travel and parking are already problematic in this area. If the proposed development implies more vehicles traveling to and through the area, more vehicles seeking parking spots, and impediments to pedestrian traffic coming from residents above Wela Street, the development will simply exacerbate the current situation.

The trees in the area are home to a large and diverse population of birds and small mammals. If rezoned from open space to R1, there will be environmental impacts which must be assessed.

For these reasons alone, I am appealing to the Planning Committee to decline the request to rezone the area from open space to R1 and the related but as yet unpublished plans for development of the land.

Thank you for consideration of my concerns.

Yours truly

Don Wishart
151 Hoohale Street
Kihei, HI 96753

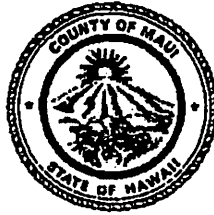
EXHIBIT 32

MICHAEL P. VICTORINO
Mayor

NOANA M. LUTEY
Corporation Counsel

EDWARD S. KUSIII, JR.
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel No (808) 270-7535
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COUNTY COUNCIL

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MEMO TO: Kelly T. King
Chair, Maui County Council

FROM: Michael J. Hopper, Deputy
Corporation Counsel

DATE: June 10, 2019

SUBJECT: **RESOLUTION 18-195, ENTITLED "REFERRING TO THE MAUI PLANNING COMMISSION A PROPOSED BILL TO CHANGE THE ZONING FOR 6.943 ACRES ON SOUTH KIHEI ROAD, KIHEI, MAUI, HAWAII, TAX MAP KEY (2) 3-9-004:141" (PAF 19-162)**

This letter responds to your memorandum to this office dated April 23, 2019 (attached) in which you request advice on various aspects of Resolution 18-195, which involves a Council-initiated amendment to the zoning for the above referenced property.

I. Background

On December 13, 2018, the Maui County Council ("Council") adopted Resolution 18-195, referring a proposed bill to the Maui Planning Commission to amend the zoning for a 6.943-acre property in Kihei from Open Zone to R-1 Residential.

By correspondence dated March 21, 2019, the Planning Director ("Director") sent a letter to the Council Chair noting that there was only general information available on the proposal, and asked the Chair if it was acceptable

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to process it using only the information provided. In the alternative, the Director asked if the Council would prefer that more detailed studies be performed and provided to the Planning Department before processing the proposal.

Through further inquiry with the Department of Planning ("Department"), I understand that the Department will be provided a traffic assessment and a utilities/infrastructure assessment before the matter is scheduled with the Planning Commission (see attached email from Howie Kihune on behalf of the developer dated March 6, 2019). The Department also typically prepares a staff report and recommendation for the Commission, and the Commission will provide its findings and recommendation to the Council on the proposed amendment.

II. Applicable Law

The Revised Charter of the County (1983) as amended ("Charter") and the Maui County Code ("MCC") set out several different methods to change the zoning of a property within the County.

An application for a change in zoning may be filed by "any department or agency of the State or County or any person having a legal or equitable interest in property . . . by filing the application with the department of planning."¹

In the alternative, amendments to the County's zoning ordinance, Title 19 of the Maui County Code, including zoning maps, may be initiated by the Maui County Council, appropriate Planning Commission, or Planning Director. With respect to amendments proposed by the Council, the Charter states, in pertinent part:

"Section 8-8.6. Adoption of General Plan and Other Land Use Ordinances.

2. Any revisions of the general plan, zoning ordinance or other land use ordinance may be proposed by the council and shall be reviewed by the appropriate planning commission as if prepared by the planning director. Any such revision shall be referred to the appropriate planning commission by resolution."

The Maui County Code outlines the process for Council-initiated amendments to the zoning ordinance as follows:

¹ See subsection 19.510.010(A)(1), Maui County Code.

"19.510.060 - Amendments.

A. Initiation of Proposal.

1. Initiation of amendments to or repeal of the provisions of this title or of the boundaries of the districts may be made by adoption of a resolution by the council, by a motion approved by a planning commission, or by a proposal of the planning director.

2. The resolution, motion, or proposal shall be addressed to the planning director who shall prepare any legislative bill, zoning map, regulation, or amendment or modification thereto which may be necessary to implement the resolution, motion, or proposal and transmitted to the county council prior to action being taken on the matter.

3. The resolution, motion, or proposal shall be processed in accordance with the provisions of section 19.510.020(B) of this code.

B. Public Hearing Required. All motions, resolutions, or proposals identified in this section shall require the procedure for public hearing to be done in accordance with sections 19.510.010 and 19.510.020 of this code."

Subsection 19.510.020(B), MCC states as follows:

"B. All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:

1. The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;

2. If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of

the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council.

3. The planning director shall notify the County council, and the appropriate State and County agencies, and those persons who requested notification of meetings pursuant to subsection A of this section."

III. Analysis

The above provisions outline an alternative to an applicant-initiated change in zoning described in section 19.510.040, MCC, and set forth a separate process for amendments initiated by the Council, Planning Director or Planning Commission. They require that the Planning Director "prepare any legislative bill, zoning map, regulation or amendment" needed to implement the resolution. A public hearing must be held consistent with subsection 19.510.020(B), MCC, as distinguished from subsection 19.510.020(A), MCC, such that the hearing does not require notice to owners within 500 feet of the property to be re-zoned.

Historically, the Council has utilized these provisions to enact a variety of comprehensive zoning changes. For example, the rural and agricultural bills re-zoned certain areas that met specific criteria in 1997 and 1998 respectively.² These provisions have also been used to re-zone individual parcels.³ After consulting with the Department, I understand that for amendments initiated pursuant to section 19.510.060, MCC, the Department does not require an application pursuant to section 19.510.010, MCC. The Department is unaware of any case in which such an application was provided. Instead, for changes in zoning for individual parcels initiated under section 19.510.060, MCC, the property owner will oftentimes provide information on the parcel's history and impacts of the change to inform the Planning Commission and Council. In the case at hand, the applicant has stated that it will provide a traffic assessment and a utilities/infrastructure assessment prior to scheduling the application before the Commission.

Section 19.510.060, MCC provides a process for amending the zoning ordinance separate and distinct from that contemplated by sections 19.510.010, .020, and .040, MCC. While section 19.510.060, MCC requires that the

² See Ordinances 2583 (1997) and 2749 (1998).

³ See Ordinance 4240 (2015), changing the zoning of a 2-acre county owned parcel.

“procedure for public hearing” be done in accordance with sections 19.510.010 and 19.510.020, MCC, it does not expressly require that an application be prepared in accordance with section 19.510.010, MCC. In many cases, such as comprehensive zoning to effectuate a new zoning classification or a comprehensive map revision, it may not be possible to complete an application as there is no specific project to review, and there may be multiple areas involved across the County.

With this background in mind, I turn to the questions posed in your memorandum.

- (1) Is Resolution 18-195 legally binding and effective even though it was adopted by the previous Council?

Section 8-8.6 of the Charter and section 19.510.060, MCC require that a Council-proposed amendment to Title 19, MCC be initiated by resolution. When the Council adopted the above referenced resolution, it completed the process required to send the requested amendment to the Maui Planning Commission via the Planning Director. Pursuant to the Charter and County Code, the Commission is required to conduct a public hearing and provide a recommendation to the Council. No further action is required by the Council until the Commission provides its recommendation. A change in the makeup of the Council after the resolution is passed does not affect the validity of the resolution. However, the Council is under no obligation to support or approve the proposed amendment simply because the Council adopted Resolution 18-195 to initiate the process. Adoption of Resolution 18-195 does not approve the zoning amendment itself, which must be done by ordinance, it merely initiates the process.

- (2) Is the Planning Director obligated to submit the Change in Zoning Proposal to the Maui Planning Commission in response to Resolution 18-195, even if she determines there is insufficient information for the Commission to provide well-informed advice to the Council?

Pursuant to section 8-8.6 of the Charter and 19.510.060(A)(2), MCC, the adoption of Resolution 18-195 requires the Director to “prepare any legislative bill, zoning map, regulation or amendment” necessary to effectuate the amendment proposed in the Resolution. Neither law expressly provides for the level of detail required in the preparation of the “bill, zoning map, regulation or amendment”. Section 19.510.060(B), MCC requires “the procedure for public

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hearing to be done in accordance with sections 19.510.010 and 19.510.020 of this code", but does not specify that anything other than the public hearing provisions of those sections is applicable to the proposed "bill, zoning map, regulation or amendment".⁴

With respect to the question of whether information provided for purposes of a zoning change is adequate, I have attached a March 9, 2004 opinion from this office. In that opinion, a Council Member asked whether an application for a change in zoning provided sufficient information to be considered "complete" for purposes of section 19.510.010(c)(2), MCC. Our office noted that the Hawaii Supreme Court has held that "a zoning ordinance is a legislative act and is subject to the deference given to legislative acts".⁵ Our office opined:

"In this case, where people can and apparently do differ as to the quantity, quality and type of information required for decision making, the final determination as to the adequacy and sufficiency of such information ultimately rests with the Council as the legislative body empowered to make the discretionary rezoning decision, not Corporation Counsel. If the Council finds that, upon review, the information submitted is inadequate to make a reasoned decision, the Council may request that the information be supplemented or revised."⁶

While that case involved a project where an application pursuant to section 19.510.010, MCC was required, as distinguished from the current case, the determination that the Council ultimately decides whether sufficient information is provided for decision-making applies to the case at hand.

For the amendment proposed in Resolution 18-195, I understand that the Planning Director will be providing the traffic assessment and a

⁴ It is noteworthy that Section 19.501.010(D)(1), MCC, which requires the identification of an owner of a "subject parcel" and that owner's authorization for the application, contains an exception for revisions or amendments to Title 19 prepared by the planning director or County council. This may suggest that the remaining provisions would apply to revisions or amendments proposed by the Council; however, in the absence of a clear statement that the application requirements apply to proposals pursuant to Section 19.510.060, MCC, this statement appears to clarify that such amendments to Title 19, MCC may be initiated without the permission of the property owner.

⁵ Save Sunset Beach Coalition v. City and County of Honolulu, 102 Hawai'i 465, 474, 78 P.3d 1, 10 (2003)(citing J. Juergensmeyer & T. Roberts, *Land Use Planning and Control Law* 188 (1998) ("Most states treat all zoning changes, whether general or site-specific, as legislative acts and accord them a presumption of validity."); D. Callies, *Regulating Paradise: Land Use Controls in Hawai'i* 34 (1984) (explaining that "most courts regard the rezoning process as legislative").

⁶ See March 9, 2004 opinion, p.4.

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utilities/infrastructure assessment done by the developer, as well as a staff report to the Maui Planning Commission. I am not aware of a determination from the Director that the information provided is insufficient to provide well-informed advice to the Planning Commission or Council; however, even in such a case the Council would ultimately determine if it has enough information to approve the proposed amendment. Should the Council determine it does not have sufficient information, it may choose to transmit a revised proposed amendment to the zoning code related to the subject property, or request additional information from the property owner or others.

- (3) Is a Council-initiated Change in Zoning, such as the proposal contained in Resolution 18-195, subject to the application standards and other requirements of Section 19.510.040, Maui County Code, "Change of zoning"?

In the case of the amendment proposed by Resolution 19-195, section 8-8.6 of the Charter and section 19.510.060, MCC govern the proposal. Section 19.510.040, MCC is not referenced in section 19.510.060, MCC. Additionally, section 19.510.060, MCC allows for amendments to "the boundaries of the districts" initiated by Council resolution, and requires the planning director to prepare a "zoning map" if applicable. Section 19.510.040, MCC states that it applies to "all applications for change in zoning" but does not specify whether a resolution adopted by the Council to amend Title 19, MCC is such an "application for change in zoning". As discussed earlier, I am unaware of an application pursuant to section 19.510.010, MCC ever being prepared for an amendment to Title 19, MCC initiated by Council resolution.

Based on an overall review of chapter 19.510, MCC, an application pursuant to section 19.510.010, MCC is not required for amendments to Title 19, MCC initiated by Council resolution. Such amendments are instead subject to section 19.510.060, MCC, and are prepared by the Planning Director. However, as in the case of applicant-initiated changes of zoning, the County Council makes the ultimate determination of whether the information provided to it from the Planning Director and Planning Commission is sufficient for the Council to grant the proposed amendment.

In the current case, I understand that the Council will receive a traffic assessment, utilities/infrastructure assessment provided by the applicant, as well as a transmittal from the Planning Department with the Planning Commission's findings and recommendations on the amendment and a record of the meetings held on the amendment. If the Council finds the information

provided on the amendment initiated by Resolution 18-195 insufficient, it can require that more be provided prior to taking action, or decide not to approve the proposed amendment.

While the application requirements of section 19.510.010, MCC do not apply to the current request, it would be advisable for the Council to follow the standards in subsection 19.04.040(A)(4), MCC in determining whether to approve the amendment to zoning proposed in Resolution 18-195. Among other criteria, this subsection requires consistency with the county general and community plans, which would apply regardless of whether the amendment is proposed by the Council, Planning Director or a private landowner.⁷

- a. If your answer is yes, was it erroneous for your department to approve the resolution as to form and legality?

As discussed, the amendments proposed in the current case do not require the filing of an application pursuant to section 19.510.010, MCC. Additionally, I would note that adopting the resolution directs the Planning Director to prepare a "legislative bill, zoning map, regulation or amendment", but does not actually grant the proposed amendment. The amendment must be granted by ordinance. Approval of the resolution as to form and legality was based on that fact that it was effective to initiate the process in 19.510.060, MCC and send the proposed ordinance to the Planning Commission. Approval of the resolution does not approve the draft ordinance attached to the resolution, and was not in error.

- b. If your answer is no, please explain the basis for a Council-initiated Change in Zoning to avoid compliance with Section 19.10.040 and advise whether there are any limitations on the Council's ability to initiate proposals for land use ordinances under either the Code or Revised Charter of the County of Maui (1983), as amended.

As stated previously, an application pursuant to section 19.510.010, MCC is not required for amendments to Title 19, MCC initiated by Council resolution. However, it would be advisable for the Council to follow the criteria in subsection 19.510.040(A)(4), MCC in determining whether to approve the amendment proposed in Resolution 18-195. Ultimately, as previously opined by this office,

⁷ See section 2.80B.030(B), MCC, which requires all zoning ordinances to comply with the general plan.

the decision whether to approve the proposed amendment is a discretionary determination by the Council that will be given the deference afforded to legislative acts.

Regarding the limitation on the Council's ability to initiate proposals for land use ordinances, the Council is required to follow the process set out in Section 8-8.6 of the Charter and section 19.510.060, MCC to initiate such proposals. After such a proposal is initiated, the Planning Director must prepare the documents required to further process the application. Zoning is a legislative act and the Council retains significant discretion to adopt amendments to Title 19, MCC, though it is required to follow the general plan and any applicable State law requirements. But with respect to initiating a proposal to amend Title 19, MCC, and the information required for such a proposal, Council retains discretion to make the ultimate determination. The Council always has the option to further clarify or change the current process for amendments to Title 19 initiated by the Council, Planning Director or Planning Commission.

- (4) Would the Council be well advised to either amend or repeal Resolution 18-195 so that it can submit a revised proposal that provides the "more detailed studies" sought by the Planning Director or the information referenced in Section 19.510.040?

As previously stated, the Council, not Corporation Counsel, ultimately determines whether the information provided is sufficient to allow it approve the amendment proposed by Resolution 18-195. I also note that it is the responsibility of the Planning Director under section 19.510.060, MCC to prepare any "legislative bill, zoning map, regulation, or amendment" needed to process the proposed amendment, not the Council. If the Council is dissatisfied with the information provided by the Planning Director and the Planning Commission when the proposed amendment is transmitted to the Council, it can request additional information.

In this case, I would note that the project is discussed in several instances as an "affordable housing project".⁸ However, nothing in the draft zoning ordinance requires that any units be sold or rented as affordable units. Based on Resolution 18-195, the Council considers the project an "affordable housing project". As such, I would advise that the developer and Planning Department provide, at a minimum, information on how many units are proposed for the

⁸ See Resolution 19-195, paragraph 2, and the March 6, 2019 email from Howie Kihune.

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project, how they will be "affordable" units, and what conditions will be necessary to require the project to be constructed as an affordable project.

IV. Conclusion

With respect to the amendment initiated by Resolution 18-195, the application requirements of section 19.510.010, MCC, are not applicable. However, the Council may ultimately determine that it requires additional information after the Maui Planning Commission and Planning Department provide its report and recommendation. Additionally, the Council would be best advised to apply the requirements of section 19.510.040(A)(4), MCC in determining whether to grant the proposed amendment. Should the Council wish to further clarify the informational requirements for a Council-initiated amendment to Title 19, MCC, such as expressly requiring the information listed in section 19.510.010, MCC, it may do so by ordinance.

APPROVED FOR TRANSMITTAL:



EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
2019-0720
PAF 19-162 Memo to King Referring to Resolution 18-195

Attachments

cc: Michele McLean, Planning Director

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**MAUI PLANNING COMMISSION
PORTION OF REGULAR MINUTES
ITEM C.2
NOVEMBER 26, 2019**

Ms. McLean: Thank you Chair. Your second public hearing item today is the transmittal of Council Resolution No. 18-195 referring to this Commission a Proposed Bill for Zoning Changes from Open Zone and R-3 Residential District to R-1 Residential District for a 6.943-acre property located off of South Kihei Road at TMK: 3-9-004:141. So this is a Council initiated change in zoning and Tara Furukawa again is the Project Planner.

Mr. Carnicelli: And Tara before you go just so everybody understands what's gonna happen is we're gonna hear from the Department then we're also gonna hear from the landowner and then we will take public testimony after that so just so you guys know that's sort of how the ball bounces. Tara.

C. PUBLIC HEARING

- 2. MICHELE MCLEAN, AICP, Planning Director, transmitting Council Resolution No. 18-195 referring to the Maui Planning Commission a Proposed Bill for Zoning Changes from Open Zone and R-3 Residential District to R-1 Residential District for a 6.943-acre property located off of South Kihei Road at TMK: (2) 3-9-004:141, Kihei, Island of Maui (CIZ 2019/0001) (T. Furukawa)**

Ms. Tara Furukawa: Okay, so this item's under your review because the County Council initiated Resolution No. 18-195, a bill to change the zoning from Open Zone and R-3 Residential for the 100 percent affordable Kilohana Makai Workforce Housing Project for a property in Kihei at TMK (2) 3-9-004: 141. The total acres is 6.943 and 28 single-family lots are proposed ranging from 6,000 to 7,499 square feet. The Planning Commission must make a recommendation to the County Council. Howie Kihune from Ainalani Pacific and Sandy Duvauchelle from Lehua Builders is here to discuss what their proposing. Please keep in mind that they will return once again for the SMA Permit and at that time they'll have studies prepared and more plans so you'll be able to review the project once more prior to final approval.

Mr. Carnicelli: Thank you.

Ms. McLean: Chair if I may comment in the interim. This is a somewhat unusual situation where the Council is initiating a change in zoning, the property owner is not the likely developer. There is a likely developer who will be speaking to you today but there are three different entities we're dealing with, the Council initiating it, the person or the family who owns the property, and then the likely developer. So this is somewhat unusual. Typically with Council initiated projects the landowner is actively involved or it's a developed property like a church or a school where the County is able to get information about the site. Oftentimes it's fully developed. This is, again this is just an unusual thing for the County to initiate when it's undeveloped and then when the landowner isn't the likely developer. So it may seem a little bit different than what you typically see and that's the reason why.

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1 Mr. Carnicelli: And again, right Director is since it's a CIZ we are nothing more than a
2 recommendation, the Council makes the final decision on that. If they approve the CIZ they come
3 back to us...these guys come back to us for the SMA.
4
5 Ms. McLean: Correct.
6
7 Mr. Carnicelli: So there's still steps to be taken here. This isn't the final, final.
8
9 Ms. McLean: With a more detailed development proposal.
10
11 Mr. Carnicelli: Commissioner Robinson.
12
13 Mr. Robinson: Chair, Commission at this time I'd like to state the fact that I know Ms. Duvauchelle
14 and Mr. Kihune pretty well. Never been to their house or anything, but just wanted to make sure
15 with the discussion and that you guys are comfortable with it and if you have any questions for
16 me?
17
18 Mr. Carnicelli: Do you have any financial interest in this project?
19
20 Mr. Robinson: I do not.
21
22 Mr. Carnicelli: You feel you could be objective?
23
24 Mr. Robinson: I do.
25
26 Mr. Carnicelli: I don't have a problem with it. Anybody else have a problem?
27
28 Mr. Castro: I too, know Ms. Duvauchelle and Mr. Kihune as well.
29
30 Mr. Carnicelli: Okay, do you have any financial interest in the property?
31
32 Mr. Castro: None.
33
34 Mr. Carnicelli: Do you feel like you can impartial?
35
36 Mr. Castro: Yes.
37
38 Mr. Carnicelli: Okay.
39
40 Mr. Thompson: The same for me. It's a small island. I could be objective.
41
42 Mr. Carnicelli: Okay, thank you. Commissioner Pali.
43
44 Ms. Pali: I may or may not have had a few phone calls, but I mean did not recollect nothing
45 personal, no financial and I can be impartial.

Maui Planning Commission
Portion of Regular Minutes
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1
2 Mr. Carnicelli: Thank you.
3
4 Mr. Freitas: Same for me with Mr. Kihune.
5
6 Mr. Carnicelli: Okay.
7
8 Ms. La Costa: Ditto. Same for me.
9
10 Ms. Sandra Duvauchelle: Okay, well I'll say good morning.
11
12 Mr. Carnicelli: Do you want to wait for them or do you want to go?
13
14 Ms. Duvauchelle: I want to wait. No, no we'll wait for them.
15
16 Mr. Carnicelli: Okay.
17
18 Ms. Duvauchelle: We'll wait for them, but it's a little bit different standing on this side of the podium
19 I'll tell you.
20
21 Mr. Carnicelli: Right, former Chair.
22
23 Ms. Duvauchelle: Yeah.
24
25 Mr. Carnicelli: Let's take a brief recess while they set up.
26
27 A recess was called at 11:38 a.m., and the meeting was reconvened at 11:42 a.m.
28
29 Mr. Carnicelli: November 26, 2019 is now back in session. Ms. Duvauchelle.
30
31 Ms. Duvauchelle: Thank you. Aloha Chair Carnicelli, Director Michele and Mr. Hopper and
32 Members of the Planning Commission and Carolyn. Aloha, thank you for allowing us to be here
33 today. I will be honest, we're gonna keep it very short.
34
35 Mr. Carnicelli: Do say your name for the record though.
36
37 Ms. Duvauchelle: Sandra Duvauchelle.
38
39 Mr. Carnicelli: Thank you.
40
41 Ms. Duvauchelle: Thank you, I forgot that. So we're gonna keep it short for you, to the point and
42 hopefully address what the plan is and questions that could be coming up. So we're, we're
43 proposing on this 6.9 acre parcel, 28 single-family workforce housing residences. And we feel in
44 a world where downtime is more wishful thinking than reality it's essential that your home offers
45 a sense of community, space and comfort for your ohana. We are introducing Kilohana Makai.

1
2 Oh, I can't read that. Oh, thank you. Workforce housing located near Wailea Resort, live, work
3 and play. Providing housing for firemen, police, nurses, hotel employees, hotel managers, life
4 guards, county employees, teachers and more. Working within County of Maui Housing AMI
5 Sales Guidelines, 80 percent, 100 percent and 120 percent. Attached here is the zoning
6 confirmation for this particular parcel showing that it is in the community plan, Single Family, in
7 the County zone, it's Open Zone with a portion being R-3 Residential. Our Flood Zone being X.
8

9 This is the topography survey of that parcel. As you can see, and we just we know from looking
10 at it it's fairly flat, not a lot of challenges as far as the topography goes. This is a conceptual layout
11 and again it's premature. What we're hoping for is 28 lots. The lots would be anywhere from
12 7,000 to 8,500 square feet. There would be an ingress and an egress out of Wela Street...did I
13 say wrong?
14

15 Mr. Kihune: 6,100 to 7,400.
16

17 Ms. Duvauchelle: 6,100 to 7,400, sorry.
18

19 Mr. Kihune: Thinking about another project.
20

21 Ms. Duvauchelle: I'm thinking of...I'm...I apologize. I'm a little nervous. And then next up is the
22 tax records that the Ferreira Family attached to this parcel and just to see that they have been
23 paying residential property taxes on this parcel for many, many years.
24

25 Mr. Kihune: It's classified—
26

27 Ms. Duvauchelle: Pardon?
28

29 Mr. Kihune: It's classified as residential.
30

31 Ms. Duvauchelle: It's classified as residential. In the Kihei Community Plan you can look down
32 on Item No. 27 where Ferreira's Family was designated...the Ferreira parcel property was
33 designated as Single Family. Here's an aerial view of the parcel. Kilohana behind the project,
34 Keawakapu Views and Kilohana Waena, across the street is...I'm sorry I'm drawing a blank,
35 across—
36

37 Mr. Kihune: Mana Kai.
38

39 Ms. Duvauchelle: The Mana Kai. The Mana Kai Hotel. This is actually the sea level rise snapshot
40 showing that at 3.2 this parcel is not in the sea rise level area you can see the dark blue. And
41 this is the flood map showing that our parcel is in the light green portion which is a low risk, and
42 we're done.
43

44 Okay, in addition to that I wanted to say that are the homes that we are...we are proposing will all
45 have two-car garages, driveways for two cars, there will be no parking allowed on the street—

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Mr. Kihune: Overnight.

Ms. Duvauchelle: Overnight. And I am...and if this goes forward I'm slated to be the builder for this project and we are a local company and we will be providing jobs for all local subs and contractors and that's it.

Mr. Carnicelli: Thank you.

Ms. Duvauchelle: Thank you.

Mr. Carnicelli: At this point in time, Mr. Hopper if you would please explain to us change in zoning initiated by the Council.

Mr. Hopper: I think the Director did touch on this a bit. This is a case where the Council is permitted to send a resolution to you requesting review of a change in zoning in this case for an individual parcel. Now this is a legislative decision by the Council so they're asking for your...they're required to ask for your comments on this and your analysis on this. Now the odd thing here a bit is that there's been a discussion of the project being a 28-unit residential subdivision but as of now the draft ordinance is just to change the zoning and that's it. So it will be R-1 zoning and without any further conditions or anything like that the property would be allowed to develop consistent with the R-1 standards.

Now you have a recommended condition in your, in your staff recommendation that would say the project has to be developed as workforce housing only as defined by 2.96 of the County Code, but I wanted you to be aware that because this was Council initiated which meant an application did not to be filed with all of the application requirements that there wasn't really anything on the record specifying what the project would contain. So for example the presentation you heard unless there are conditions or things like that placed on the property that's not something that's part of this ordinance. So right now as you approve as recommended the property would have to develop as...the only that could be built on the property is workforce housing as defined by 2.96 of the County Code but as far as anything else that would be it. So the R-1 standards would apply separate from that, any other base requirements including the SMA Permit would apply there.

Again, you're making a recommendation to the County Council and the County Council is taking a legislative act on this so they have broad discretion to approve or deny or ask for additional information and condition the project so what's developed is something that is consistent with what's being represented and with the Council or you are comfortable with. So I wanted you to understand that and if there's, if there's...based on the record that you have if you need more information, if you want additional conditions, things like that, those are all options for you to recommend to the Council, but I wanted to...I was asked by the Chair to comment a bit about the nature of the application and what you have before you. And I wanted to caution you just to make sure that, you know we have one condition there and absent a condition on something there's nothing clear saying that a certain thing will be developed on the property or anything's restricted on the property you know, and it doesn't necessarily have to be, but your change in zoning if

1 approved with this condition would require that affordable housing be the only allowed use and
2 all the other standards in the R-1 zone would be the standards that would apply to the project.
3

4 Mr. Carnicelli: Great. Thank you Mike, and so I just...so we kinda understand where we're
5 coming from on this and also to help those of you that want to testify to give meaningful and
6 relevant testimony as well. So anything else from you? Okay, I think at this point in time we'll go
7 ahead and open up the floor for public testimony. And just so you guys know that you get three
8 minutes to testimony, up to three minutes to testify. Please...Carolyn will say...when three
9 minutes is up she'll say three minutes, I will ask you to stop and just to be respectful of everybody
10 else please end your testimony at three minutes 'cause if somebody goes like four and somebody
11 else was respectful and stopped at two then...anyways just to make it fair for everybody that's all.
12 So our first testifier is Wayne McDonald.
13

14 Mr. Wayne McDonald: As you said, Wayne McDonald.
15

16 Mr. Carnicelli: Thank you Wayne.
17

18 Mr. McDonald: Thank you Commissioners for allowing me to speak. I'm a resident of Maui and
19 I own a home in Kilohana Ridge. Do I need to get closer? It's a development of 73 homes that
20 are immediately east of the subject property. I'm president of the homeowner's association. We
21 have quite a few people here supporting us today.
22

23 The property in question has been zoned Open zone since the last South Maui Community Plan
24 in 1998. The County of Maui web page on community plans states that the community plans will
25 be updated every ten years. Not doing so is ...(inaudible)...reliance on the benefits of the current
26 zoning. A drastic change to the status quo for 21 years will affect the property values, traffic and
27 safety of the adjacent neighborhoods and erode our private roads.
28

29 Kilohana Ridge Homeowner's Association opposes this change in zoning for the following
30 reasons. One, lack of sufficient notice and opportunity for public comment. Maui County Code
31 19.510.020, Subsection A requires public hearings regarding zoning changes. However, in this
32 requested zone change the exception process in Subsection B was used for the Maui County
33 Council has already been stated proposing the change. The process purposely avoids notification
34 of public hearings required in Subsection A, notice to property owners within 500 feet and
35 published notices. Property owners who may be impacted have the right to notice a proposed
36 change in zoning and participation in public hearing, obviously I'm here but it's
37 obviously...(inaudible)...process, this didn't happen.
38

39 Congestion. R-1 Zoning designation is inconsistent with the surrounding property developments
40 which share a boundary with street entrance. All adjacent developments are either R-2 or R-3.
41 Further auxiliary dwelling units are not allowed by any of the other adjacent HOAs.
42

43 Impact on private streets. The traffic assessment report in Exhibit 27 does not address some of
44 our concerns. Wela Street may not meet the County Code in width and/or layout. Streets that tie
45 into the proposed development are private streets and maintained by the HOAs. No one has

1 addressed how the County will control either construction, new residential traffic. These private
2 streets were not built to County Code for public access. The adjacent HOAs will face additional
3 costs including gates on a projected plan is not addressed who will pay for those costs?
4

5 Appropriateness for dwellings. There's a genuine need for workforce housing in Maui. However,
6 building affordable housing in a tsunami zone, hurricane storm surge area is inconsistent with
7 affordability. Cost of additional necessary insurance my prohibitively expensive to the perspective
8 homeowner. This is inconsistent with principles of safe and prudent planning. The specific
9 purpose of the zoning change is to create housing for working families in such location may risk
10 their investment.
11

12 Five, value impact. Proposed homes are not consistent with the surrounding community and
13 could impact values. More importantly the additional traffic and congestion may significantly
14 impact the desirability of current neighborhoods.
15

16 And Number Six, environmental impacts. As this property is close to the ocean --
17

18 Ms. Takayama-Corden: Three minutes.
19

20 Mr. McDonald: Is that my three minutes?
21

22 Mr. Carnicelli: Yeah, that was three.
23

24 Mr. McDonald: Okay, thank you.
25

26 Mr. Carnicelli: Thank you Wayne. Any questions for the testifier? Seeing none, thank you
27 Wayne. Tom Griffith.
28

29 Mr. Tom Griffith: My name's Tom Griffith. I live at 10 Hoohale, I backed up to the proposed site
30 we're describing. I'm fundamentally opposed to the zone change from Open Space mostly
31 because the surrounding area is made up of houses all of which sitting on lots of 8,000 feet or
32 better. The higher density that you're proposing here would not flow with what we have happening
33 in the area. I believe that the use for, the need for housing for the workers is great and getting
34 them closer to the proximity to Wailea where they're gonna be working is also great but I don't
35 know that they need to be done on Kihei Road. Kihei Road is already getting way too much traffic
36 down that way. There is no open space down there other than the State owned property across
37 the street and I think that Open Space as it was zoned originally it should maintain. At very least
38 it should be considered for a zoning for a residential that would concurrent with what's around the
39 area. It should be no more...no higher density that what is surrounding into the area. I never had
40 any idea that that would stay open forever. I don't have the expectation that you may not develop
41 because I have my piece of paradise that's...that's absolutely wrong thinking, but I do think that
42 the idea that it would stay with a similar zoning or at least if we're gonna be changed to a
43 residential use that it would, again, would be concurrent with what's around the area. That's all I
44 have to say on the matter. Thank you for your time.
45

1 Mr. Carnicelli: Thank you very much Tom. Any questions for the testifier? Commissioner Pali.
2
3 Ms. Pali: Sir, I'd like clarification on staying concurrent with the area. Specifically what would be
4 acceptable by your definition of concurrent within the area?
5
6 Mr. Griffith: Well, right now in our area Kilohana Ridge we have a mix of single story and two-
7 story homes. The two-story homes like my own is 2,800 square feet. I sit on a 9,000 square-foot
8 lot. A little more than half of the units inside of Kilohana Ridge are single story units also on 8,000
9 foot lots. So we have generous setbacks. We have front lot setbacks, we have rear lot setbacks,
10 we have side lot setbacks. We are in such a fashion that our density we're not on top of each
11 other.
12
13 Ms. Pali: So if I understand you correctly if I can repeat what I think I understand back to you.
14 You would then be okay with moving forward with developing this as long as the lots were larger?
15
16 Mr. Griffith: I would say that the way it's drawn right now I'd fundamentally be opposed to it. I
17 don't think that the ohana units are gonna be kept as ohanas for mother-in-laws as they are
18 originally designed. I think that they will become rental units that close to the beach especially.
19 We have a lot of units inside of Kilohana—
20
21 Ms. Pali: Well just sir, just to go back to my question 'cause I think you're veering and I just wanna
22 come back. You said that you would be okay if it was similar to what's there, and I just want to
23 define did you mean larger lots?
24
25 Mr. Griffith: I would mean...yes. Larger...I would be more apt to consider a zone change for
26 something that would be more like what is in surrounding community.
27
28 Ms. Pali: Specifically by larger lots?
29
30 Mr. Griffith: Yes, specifically—
31
32 Ms. Pali: Okay, thank you sir. Thank you.
33
34 Mr. Carnicelli: Thanks Tom.
35
36 Mr. Griffith: Yeah, the ohanas are big deal.
37
38 Mr. Carnicelli: Thank you Tom.
39
40 Mr. Griffith: I think you got too many bodies, too many cars, not enough area, thank you.
41
42 Mr. Carnicelli: Thank you Tom. Pat McGilvray. How bad did I butcher your name?
43
44 Mr. Pat McGilvray: Not bad.
45

1 Mr. Carnicelli: Okay.

2

3 Mr. McGilvray: So I'm also a resident there in Kilohana Ridge.

4

5 Mr. Carnicelli: Just state your name for the record please.

6

7 Mr. McGilvray: Pa McGilvray.

8

9 Mr. Carnicelli: Thank you.

10

11 Mr. McGilvray: And I submitted a letter to the Council members. You got each...each one of you
12 got one. I don't have that in front of me. I'll just let that stand as it is. And I agree with what the
13 previous speakers have said about the area and especially for access. I don't understand why
14 Wela Street is not connected to Kilohana Drive for access to Piilani Highway. It seems critical to
15 me. Also, as previously stated our roads are narrow, private they're under extreme stress as it is
16 adding to that is gonna be detrimental to the whole neighborhood. I also think that looking at the
17 development I would think you would need a four-foot wide sidewalk going along the whole length
18 of Wela Street for the length of the development for safety purposes. Also right now we have a
19 well-established pathway leading to the beach off of Ahekoa Street it goes across the property
20 comes to a flashing light and a crosswalk that goes across the street. I think that should be
21 maintained for street access for residential access to the beach. So any questions to me?

22

23 Mr. Carnicelli: Great. Thank you Pat. Any questions to the testifier? Seeing none, thank you.
24 Eric Romerdahl.

25

26 Mr. Eric Romerdahl: My name's Eric Romerdahl.

27

28 Mr. Carnicelli: Please everyone if we could have decorum, thank you. You have the floor.

29

30 Mr. Romerdahl: I submitted written testimony which I assume you have from my wife and I. I've
31 lived here 20 years and I've lived on three of the streets abutting this property so I know the area
32 really well. One thing that I think you have to remember is that there's a steep hill and the subject
33 property is at the bottom of this steep hill and I rented Hokai Place which is one of the lowest
34 streets next adjacent to it and we weren't able to get homeowner's insurance because insurers
35 said that we was in tsunami flood evacuation zone. So I'm just saying the thing about having 28
36 ohana units if people can't get insurance it's a bad thing.

37

38 Secondly, I didn't see anything about beach parking. We have a problem with access right now
39 so if anything could be done to alleviate that it would be proper. Also, on the third page I
40 mentioned, the other gentleman mentioned the same thing is that there's no connection to the
41 other public street Kilohana so right now there...this whole property is abutting a public road and
42 there's no access to the public road directly. There's none to South Kihei Road and there's none
43 to Kilohana. So I don't know the rational of not having a new development connect to a public
44 road.

45

1 And just overall this whole proposal though I'm sort of surprised that we didn't have more public
2 knowledge notice that changing zoning from a public place, public zone to a residential. The area
3 is used by everybody in Kihei and we also get a lot of people from other parts of the island that
4 come back there and go to Keawakapu Beach. So not having any requirement for public parking
5 or at least having the roads connect through so people can park easily 'cause like I said it's a
6 steep hill and I live one block away from the subject property and I'm at 60 feet sea level so it
7 goes up pretty fast. So to say that people are gonna be parking on private roads uphill isn't really
8 the best thing. We could be having public parking closer to the beach.

9
10 Mr. Carnicelli: Thank you Eric. Any questions for the testifier? Seeing none, thank you. Jeff
11 starts with an L and then scribbles off. Jeff Lang, Luhung? 74 Arrow Circle? No? All right, Jeff.
12 Lea Ann Kjome.

13
14 Ms. Lea Ann Kjome: Kjome.

15
16 Mr. Carnicelli: Ah, of course, K-J-O-M-E, of course that's how it's spelled.

17
18 Ms. Kjome: My name is Lea Ann Kjome and I live on Ahekolu Street. I'm also on the Board of
19 Kilohana Ridge and I just wanted to finish up something that Wayne didn't have a chance to read.

20
21 Environmental Impacts, as the property...this property is close to the ocean, an Environmental
22 Impact Statement needs to be done. Exhibit 10 shows the Department of Environmental
23 Management had no comments. So in summary, again this is finishing what Wayne had prepared
24 for...on behalf of our Board and homeowners, there's not been sufficient community notice or
25 opportunity to public comment and discussion regarding the proposed change in zoning of the
26 property in question. Please take into careful account the above referenced reasons why this
27 proposed zoning change should be denied and recommend that the Maui County Council not
28 approve this request for zoning change.

29
30 So just quickly, I'm shocked and most of the people that I've talked to in the neighborhood are
31 really surprised at what's happening and not having been notified and this Council initiated zoning
32 request I think is the real problem here that because it is something that came directly to the
33 Council that there was not the requirement of notifying the people within 500 feet. And have that
34 been done, it would have been overflow crowd here today. So that's kind of my main objection
35 to this that it's, it's kind of a not a transparent process and I think it's too dense of a development
36 for that area and especially with the ohanas that they're proposing putting in. So that's it. Any
37 questions?

38
39 Mr. Carnicelli: Thank you Lea Ann. Any questions to the testifier? Commissioner Robinson.

40
41 Mr. Robinson: Chair, I got a question. Is I've heard from the last few testifiers that they say that
42 it's been subverting some type of process. So if developer wanted to develop his own property
43 he would still come to here and then it goes to the Council. So it's...it's the same process. Am
44 I...did we skip a process? Just because the Council initiated it, it still comes here and then after

1 our recommendation then they still are able to go to the Council to testify again for a public hearing
2 is that correct?

3
4 Ms. McLean: That's correct. The...what...one step that did not occur is the mailing of notification
5 to surrounding property owners. That does not occur with the Council initiated entitlement
6 change. However, the Department did post the public hearing notice in the newspaper and other
7 notification requirements were followed. But the mail out to surrounding property owners did not
8 occur, is not required to occur. If the zoning gets approved and there is a desire to develop the
9 property then the SMA Permit would have to do the notice of application and notice of public
10 hearing before that comes back to the Commission.

11
12 Mr. Robinson: Okay, that's what I, that's what I thought thank you.

13
14 Mr. Carnicelli: Lea Ann, actually I do have a question for you. I meant to ask Wayne and then it
15 popped out of my head. He had mentioned that if this were to go through that you guys would
16 want to gate your streets is that...is that...did I hear that correctly?

17
18 Ms. Kjome: It might come to that. It might come to that if we—

19
20 Mr. Carnicelli: Why would that be though? I don't understand by putting workforce housing would
21 mean you guys have to put up a gate.

22
23 Ms. Kjome: It's we already have a lot of traffic that cuts through our neighborhoods from Kilohana
24 down to South Kihei Road and I can only imagine that it will increase especially they've laid out
25 the entrances and exits from the neighborhood and not trying to connect it to Kilohana Drive. So
26 we just assume that there will be a lot more traffic, construction traffic and people that live in those
27 homes or ohanas would be coming through our neighborhood.

28
29 Mr. Carnicelli: Okay, thank you. Mike Wysocki, see this is your handwriting not my pronunciation
30 I'm promising you on that one.

31
32 Mr. Mike Wysocki: I should go into the medical industrial right now, no it's okay.

33
34 Mr. Carnicelli: What's your name, I'm sorry.

35
36 Mr. Wysocki: My name is Mike Wysocki. I live at 150 Hoolapa Street down in South Kihei right
37 in the same neighborhood as everybody else here so...Well, obviously thank you very much for
38 your time in listening to me. I definitely appreciate it. Obviously I want to keep the land to Open
39 instead of R-1. Couple of the reasons why in my view is little different. It's more or less on the
40 idea of congestion. I mean, I don't know if you guys walk down the South Kihei area, South Kihei
41 Road, et cetera. I mean, it's getting a little excessive with cars, traffic, noise, more pollution, you
42 know more excessive...you know excessive already.

43
44 And the other thing too is I've also noticed that the hotels are starting to expand and the variety
45 of other businesses are starting to expand so South Kihei Road the traffic already is bad enough

1 as it is so it's going to obviously affect the infrastructure. The other thing too is there's a lot of
2 pavement that's needed on South Kihei Road. You see a lot of potholes and that will increase
3 with more people. And the other thing too is earlier today somebody mentioned one of the
4 greatest points I heard today was why be the next Waikiki? You know, if you guys go over there
5 that often it's pretty excessive so I just...more housing, more issues, more problems that's what
6 my angle is.

7
8 But other thing too is where there's a problem how to come up with the resolution and my thoughts
9 were if you're looking for affordable housing why not do what's called retrofitting? We can retrofit
10 some buildings over here in different sections of the island or whatever. I mean, even the, you
11 know State and County buildings a lot of people can remote workforce. We can retrofit these
12 buildings and have them as affordable housing too. So there's a variety of other ways to resolve
13 some issues and with that you guys don't have to commute to work, you know you get less
14 pollution, less issues, less problems, less people on the road, resolve a lot of issues that way so
15 that's my thoughts and opinions. Thank you for your time.

16
17 Mr. Carnicelli: Thank you Mike. Any questions for the testifier? Thank you Mike.

18
19 Mr. Wysocki: Take care.

20
21 Mr. Carnicelli: Scott Shapiro, and it's only because I know your name.

22
23 Mr. Scott Shapiro: I know your name. I know where you live, no...My name is Scott...hold on for
24 one second, sorry, I gotta put my glasses on before the clock starts. My name is Scott Shapiro
25 and I'm just gonna read off my testimony here.

26
27 Today's issue is simple, you're to make a recommendation back to the Council for or against this
28 proposed zone change. Shouldn't be looking or have any advanced knowledge of potential plans
29 good or bad because they mean nothing at this point. They could change, nothing's been
30 permitted. A change to R-1 means any type of housing allowed in R-1 zone could be built there
31 so you should be cautious.

32
33 Lack of affordable housing is a crisis on Maui in the immediate sense we all know that. But we're
34 learning daily about a new crisis which is...could be much more important to us is sea level rise.
35 Our oceans are projected to rise by we all know 3.2 feet to up to six feet in 2100. Thirty years
36 from now in 2050 new projections are coming in with over three feet of sea level rise to our coasts.
37 These are new projections that I'm sure you are well aware of. We'll experience flooding and
38 damage to all near coastal structures. We cannot, you guys cannot ignore sea level rise in
39 community planning.

40
41 Mayor Arakawa signed a Proclamation in 2018 discussing sea level rise and climate change that
42 you as the Planning Commission are directed to take into account. In the 2017 Sea Level Rise
43 and Adaptability report referred to in the Proclamation it says you must plan for 3.2 feet of sea
44 level rise now and be ready to adjust that upwards. So we need to be ready. At 3.2 feet of sea
45 level rise South Kihei Road at this location and its infrastructure will be at the new vegetation line

1 as was shown on the slide by the developer where the ocean meets the land and all of this will
2 need to be moved mauka. This open parcel just happens to be outside of that 3.2 foot zone. This
3 land and two vacant abutting parcels can be saved now and should never be built on. They need
4 to be preserved as sea level rise buffer zone.
5

6 If sea level rise predictions come true and a project gets approved here then what do we do? We
7 gotta buy back 38, 48, 56 houses take by eminent domain whatever houses are built here to clear
8 the way for a new road. We can do better. Putting people in harm's way is no way to solve a
9 crisis. In the 1998 Kihei-Makena Community Plan as was mentioned there's no one mention of
10 sea level rise, not one mention. I guarantee that the next Kihei Community Plan that gets updated
11 in the next year or two it will speak to sea level rise and very likely not allow this parcel to be
12 developed. I urge you not to recommend the zone change. Thank you.
13

14 Mr. Carnicelli: Thank you Scott.
15

16 Ms. Furukawa: I just need to state something. So in my report we did address sea level rise on
17 Page 15 of your report.
18

19 Mr. Carnicelli: Hang on Tara.
20

21 Ms. Furukawa: Okay.
22

23 Mr. Carnicelli: We're in public testimony right now.
24

25 Ms. Furukawa: Okay.
26

27 Mr. Carnicelli: So we'll have time to ask questions and get into all that.
28

29 Ms. Furukawa: Okay, I just wanted to clarify cause his knowledge is incorrect.
30

31 Mr. Carnicelli: I know, we'll clarify, we'll clarify.
32

33 Mr. Shapiro: ...(Inaudible-speaking from audience)...
34

35 Mr. Carnicelli: That's okay. We'll...everybody has concerns and that's part of us as volunteers,
36 this is not our job, is to try to address all of your concerns. So I just want to let you guys know
37 you're being heard but we also have to do our due diligence as well. Richard Endean.
38

39 Mr. Richard Endean: Aloha to the Commission. Thank you for giving me some time to talk. My
40 name is Richard Endean. My wife and I are residents at Maui Hill which is a condominium
41 complex that is west if you will of the particular Kilohana Ridge and the property that is under
42 discussion. I am President of the Homeowner's Association and we are not in favor of the zone
43 change and I will summarize some of the reasons that we are not.
44

1 First, we like everybody else were concerned about lack of notification and I know there's a lot of
2 process left but it would have been nice that we had notification 'cause I agree we would have
3 had greater numbers here. I think a zone change at this time without an Environmental Impact
4 Statement is a bit premature. I think the Environmental Impact Study should be done first to make
5 sure that implications of sea level rise, et cetera are taken into consideration rather than take a
6 lot of time to go through it.

7
8 The other concern we have is once you give zone Residential 1 zoning anything can be put in
9 there because you're not approving anything specific. You're saying just change the zoning so
10 we're very concerned about that.

11
12 Access, right now the access is shown twice or coming into Wela Street twice, but they don't show
13 how you get out of Wela Street. Well, where you're gonna get out of Wela Street if they don't
14 gate Kilohana Ridge is you're gonna go up through that neighborhood or you're gonna come over
15 to Alakoa which is the street that gives access to Maui Hill so all of a sudden we're gonna have
16 more congestion coming down through that entry way to our property. The other thing with
17 congestion is the expansion of the KRC, the Kilo...the Kahoolawe Research Center has been
18 approved, they're looking for funding that driveway is going to be right across from Alakoa. So
19 now all of a sudden you're gonna have visitor traffic, people going to KRC are going to be coming
20 in and out of their property there, you're gonna have this development coming probably over to
21 Alakoa because it's closer and the congestion at that point for the people living in Maui Hill is
22 going to increase there's no question it has to increase, okay.

23
24 We also are concerned about the density. This is just the number of cars, we don't know anything
25 about the units themselves, how many square feet, how many bedrooms there gonna be. We
26 heard that there's two cars, but if you take two cars times 28 units and then they have visitors and
27 guests you can imagine that with the access, egress from the property we would advocate that
28 there be access or egress to South Kihei Road off the property rather than using anything through
29 Kilohana Ridge or using Alakoa.

30
31 Mr. Carnicelli: Thank you Richard.

32
33 Mr. Edean: Thank you.

34
35 Mr. Carnicelli: Any questions from...for the testifier? I have one question for you. How many
36 units in your multi-family apartment complex?

37
38 Mr. Edean: A 140.

39
40 Mr. Carnicelli: Okay, thank you. Is anybody else wish to testify on this particular item at this time?
41 Please come forward.

42
43 Ms. Melissa Rippey: Hello, my name's Melissa Rippey and I'm an owner in Papali and also the
44 AOUO President and I just found out about this yesterday so I apologize if I don't know all the
45 information that's in the packet. I cross the crosswalk at Kilohana across to the beach park several

1 times a day most often there's lots of traffic on South Kihei Road and most time it doesn't stop
2 because there is no flashing lights on those two side...crosswalks the one right in front of where
3 the proposed development is gonna go as well as the one from Kilohana parking lot. I think there
4 needs to be a traffic study done. I'm really concerned about children even children that are living
5 in the new development if nothing is done on South Kihei Road. I'm all for workforce housing,
6 however I think that's the wrong location. What if we move it above the fire station or somewhere
7 else in Kihei where there's more land, more parking. I also feel people are gonna park if they have
8 guests over, they're not gonna be able to park they're gonna park in the park that's designated
9 for beach parking. So I'm just really concerned. I would like to see something built for the
10 workforce, I just think that it's the wrong location.

11
12 Mr. Carnicelli: Thank you. Hang on Melissa. You said that you were President of I
13 don't...association?

14
15 Ms. Rippy: Yeah, Papali which borders Kilohana and Wailea Alanui, and that's another
16 situation—

17
18 Mr. Carnicelli: Hang on, hang on, I'm asking you a question here. So that's part of the same
19 residential or is it multi-family, I'm sorry I'm not—

20
21 Ms. Rippy: No, single family and there's 24 units.

22
23 Mr. Carnicelli: Okay, 'cause like in that area right there's three associations? Is that what it is?
24 There's like Kilohana...I mean, 'cause he's...

25
26 Ms. Rippy: Oh, no, no, no, I'm on the other side of Kilohana. So I'm to the south of this
27 development on Kilohana Road.

28
29 Mr. Carnicelli: Oh, okay, I get it now. Thank you, I was just confused. Appreciate it. Thank you.

30
31 Ms. Rippy: Okay.

32
33 Mr. Carnicelli: Is anybody else like to testify? Going one, going twice, all right if there's no
34 objections we're gonna go ahead and close public testimony at this time. So Commissioners,
35 12:20 I don't think this is a short discussion unfortunately. Do you want to do lunch and come
36 back? Yes. Okay, we are gonna break for lunch, we will be back 1:15 p.m.

37
38 A recess was called at 12:20 p.m., and the meeting was reconvened at 1:19 p.m.

39
40 Mr. Carnicelli: Good afternoon, Maui Planning Commission of November 26, 2019 is back in
41 session. So Commissioners we are on C.2 and we've had our public testimony and the Director
42 and I were just sitting here talking about it as far as you know what is it that if we were to...what
43 is it that we would transmit to the County Council. We have several options but one of the things
44 that came up in testimony was and Mr. Hopper addressed it as well is that right now the only sort
45 of condition on the zoning would be that it has to conform to 2.96 which is the Workforce Housing

1 Ordinance, and so do we want to go down that rabbit hole and add a bunch a conditions that are
2 zoning related 'cause it is going to come back for SMA, right so not SMA things but zoning things
3 or do we want to just say send whatever we're sending up there "clean". So I don't know Director
4 if you could address that for us.
5

6 Ms. McLean: Thank you Chair. If there are conditions that the Commission wants to see on this
7 development you can try to separate those between are those zoning related conditions or are
8 those more development related conditions that would be more appropriate to be on the SMA
9 Permit.
10

11 Zoning conditions, the reason the Department recommended putting the workforce housing
12 condition on as a condition is because when the resolution was sent to us it was for the purposes
13 of developing workforce housing and so that was the reason the Council initiated this and so we
14 felt that was an appropriate condition. We generally like to send recommendations up to the
15 Council for changes of zoning, community plan that are clean because that's a higher level
16 approval. We think this area is appropriate for residential development. Then development
17 related conditions about density, building heights, things like that could go on the SMA. If this
18 property weren't in the SMA and this was your only chance to look at it then you might want to
19 put those conditions in now only because that would be your only opportunity. But if the zoning
20 does get approved by the Council, any development of the property would have to come back to
21 you for SMA and you could put conditions on it at that time.
22

23 So zoning level conditions could be like we recommended the workforce housing condition, it
24 could be density but what's being proposed is R-1 zoning and that in and of itself has a density,
25 has a minimum lot size of 6,000 square feet so you can go that small. You could talk about
26 roadways, you could talk about drainage those are sort of higher level, but when it comes to
27 specific development conditions those might be more appropriate to wait for SMA but you could
28 recommend them at this time. So there's no hard and fast line but if the zoning does get approved
29 you will have the opportunity to place conditions on any development that gets proposed.
30

31 Mr. Carnicelli: Mr. Hopper.
32

33 Mr. Hopper: Just to add though the SMA conditions you have a more limited subset of conditions
34 that you could impose on an SMA Permit than you could or the Council could for a change in
35 zoning so keep in that mind. SMA conditions are limited to the goals, objectives and policies of
36 the Special Management Area. They focus primarily on coastal hazard and coastal environmental
37 impacts and things like that. So the zoning conditions you may have broader authority to
38 recommend zoning conditions to the Council than you would if it comes back to you as an SMA
39 so just to keep that in mind. A lot of them, there is a big overlap. I mean there are a lot of
40 conditions you could put on an SMA Permit and a zoning change, but generally the zoning change
41 there are a wider level of things that Council will look at in a change in zoning than the commission
42 does when it does a Special Management Area Permit so you could keep that in mind as well.
43

44 Mr. Carnicelli: So I don't know, either one of you answer this. What if we're coming from a place
45 though that is certain representations made by the applicant or I guess they're not the

1 applicant...but like when Sandra was giving her presentation she went more specific into 2.96
2 than just 2.96, she said 80 percent to 120, 2.96 goes up to 140 so the representation is there so
3 I mean is that something would be appropriate, not appropriate or is that something you say like
4 okay those representations will be made at the Council level too so let them handle that.
5

6 Mr. Hopper: If the Council in acting on a zoning change is taking a legislative act. So they have
7 relatively broad discretion on the types of conditions it could impose. If you believe you want to
8 be specific as to this project based on representations made you are certainly welcome to
9 recommend those as conditions to the Council to get into the specifics of the project that would...if
10 that's what's planning on being built and the Council wants to see that then yes, they can say
11 we're granting a change in zoning, you can do things for example like limit the permitted uses and
12 other things to require as you said you know that all of the housing be affordable or workforce
13 housing as defined by 2.96 or other requirements it's up to the Commission to recommend if it
14 believes it's an appropriate condition for the Council to have on its change in zoning. So you do
15 have relatively broad discretion. I can read...it's in your report the basis for granting a change in
16 zoning and the basis for adding conditions, but it's relatively broad.
17

18 Mr. Carnicelli: You guys wanna hear those? How quick is it?
19

20 Mr. Hopper: I'll have to find it, I can give—
21

22 Mr. Carnicelli: Okay, never mind. So at this point we're gonna go to questions and comments
23 from the Commission. I'll start with you Commissioner La Costa.
24

25 Ms. La Costa: Thank you Chair. This is a question about the property tax exhibit that was shown.
26

27 Mr. Howard Kihune, Jr.: Howard Kihune, Jr.
28

29 Ms. La Costa: Thank you Howard. So you mentioned that the tax record shows that it was
30 residential.
31

32 Mr. Kihune: The tax records classification is residential, correct.
33

34 Ms. La Costa: There are two parcels on this map and the one in the corner is residential and this
35 one doesn't even show in the tax records that I could find.
36

37 Mr. Kihune: If you pull it up it does state it. If you go to the report for the actual property it does
38 pull up and it shows taxes paid and it shows that the classification is residential by the Department
39 of Finance.
40

41 Ms. La Costa: So it appears that there is a misclassification by the Tax Department
42

43 Mr. Kihune: I don't know. I'm just stating that it is, it is in the tax records as residential.
44

45 Ms. La Costa: Okay, thank you.

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1
2 Mr. Kihune: You're welcome.
3
4 Mr. Carnicelli: Commissioner Castro.
5
6 Mr. Castro: No questions at this time.
7
8 Mr. Carnicelli: Okay. Commissioner Tackett.
9
10 Mr. Tackett: Not at this time.
11
12 Mr. Carnicelli: Commissioner Robinson.
13
14 Mr. Robinson: Director my first question is for you. I read the Resolution and it mentioned ohana
15 housing. Is that a ADU requirement or is that something that the Council's trying to throw in, is it
16 lot sizes, I mean there's certain rules to be able to have an ohana house, parking and all sorts of
17 stuff correct?
18
19 Ms. McLean: Yes, ohanas have a parking requirement all their own.
20
21 Mr. Robinson: And so, and so, Mr. Kihune.
22
23 Mr. Kihune: Yes sir.
24
25 Mr. Robinson: Was it your understanding that you guys were lobbying for ohana housing or ADUs
26 or this is workforce housing and this is something that you guys didn't put in?
27
28 Mr. Kihune: We're only, we're only here for the 28 single family residences. The ohana, the
29 zoning for that...the current zoning allows for an ohana, the ohana, sorry and when we spoke with
30 Tara we included that. We did not, we're not planning on building any ohanas. So we're leaving
31 it up to the property owner themselves at some point should that happen or should the Council
32 decide that you know, condition that we cannot, but right now, no we don't have any plans to build
33 an ohana.
34
35 Mr. Robinson: So I guess with that and the restrictions you know even though I don't agree with
36 some of the testimony that was done earlier I still heard them because we're all citizens of Maui,
37 even though they don't want me driving through their streets and they're gonna put up a gate to
38 keep me out and it feels kind of offensive I thought, but I think is there a way that we as a
39 Commission can help mitigate the amount of, the amount of persons on these lots. You know, I
40 mean, you know is...I lived on a 6,000 square foot lot and I raised my whole family on it, you
41 know, then I moved to...I was lucky enough then move to a larger one and you know I would have
42 loved 7,000. But as far as the ADU requirements is there a restriction on lot size? I though lot
43 size had to be a certain size amount before to even to think of it. I mean, 'cause I know this is
44 kind of clouding it so I want to see if we can, if we can eliminate that these don't even qualify for
45 that that might help some of the other concerns.

1
2 Ms. McLean: The law changed at the end of 2018 so that any size lot can have an ohana.
3
4 Mr. Robinson: If it has the proper setbacks.
5
6 Ms. McLean: It needs, of course, buildings have to follow setbacks. They need to have parking
7 no site. They need to be served by all necessary infrastructure, et cetera, but this being
8 a...potentially this being a new development they could build the main houses in such a way to
9 allow room for ohanas on each lot.
10
11 Mr. Robinson: Like anybody else.
12
13 Ms. McLean: Like anybody else.
14
15 Mr. Robinson: Right.
16
17 Ms. McLean: And the ohana for a lot this size would be limited to 500 square feet.
18
19 Mr. Robinson: 500 square feet and what would be the setbacks on the property, what is it? Do
20 you know off the top of your head what the current is?
21
22 Ms. McLean: Residential setbacks is six feet for a single story, ten feet for two stories.
23
24 Mr. Robinson: Well, two story ADUs huh, 250, 250 or you're talking about the main house with
25 ADU.
26
27 Ms. McLean: Or it could be a garage or carport underneath with the ohana upstairs.
28
29 Mr. Robinson: Okay, all right, thanks. I'll let you come back around and thank you.
30
31 Mr. Carnicelli: Commissioner Pali.
32
33 Ms. Furukawa: Can I add to the discussion a little bit? The reason why we told him leave the
34 ohanas I mean don't...because at first his proposal did not include ohanas, but we said because
35 it's you know per the Maui Island Plan it's in the Urban Growth Boundary and right now housing
36 is definitely something that's needed we told them that they should probably include the ohanas.
37
38 Ms. McLean: For traffic counts, for infrastructure service, et cetera.
39
40 Ms. Pali: This is for Howard.
41
42 Mr. Kihune: Yes, Commissioner Pali.
43
44 Ms. Pali: So, I too, wanted to just pull out what we could to validate because we appreciate people
45 taking their time to you know voice their concerns and I do believe I have the concern in regards

1 to the infrastructure now and so my question to you in regards to roads capabilities is your plan
2 when you're ready to do more specifics on the development assuming you can move forward with
3 the zoning change are going to incorporate all the infrastructure needed to improve and upgrade
4 the current roads that surround the property to address those safety concerns and also the
5 infrastructure of more cars? Is that something that you would be taking on as a developer or are
6 you going to be partnering with the County to make sure that the roads, the sidewalks, and the
7 crosswalks, all of those concerns are addressed and mitigated?

8
9 Mr. Kihune: Yes and yes, meaning that whatever the current codes are based from Public Works
10 and working with the County we'll meet those standards. We'll improve all the necessary
11 improvements that need to be made for the subdivision at that time for when we come back, if we
12 get back to this body.

13
14 Ms. Pali: Okay, so if you don't mind I'm gonna press you further.

15
16 Mr. Kihune: Sure.

17
18 Ms. Pali: I would say that we might all agree that the current roads in place supposedly met those
19 rules but they've not been maintained the way we would like them to with the potholes, constantly
20 with the flooding it's deteriorating the current quality of the road on South Kihei Road specifically
21 and so not to give you a total pass but also respectfully I would say due to our rotation schedule
22 of maintenance at any given time our current roads don't always meet the current new standards
23 and so if you find that the current roads apparently meets the standards but the quality is not
24 acceptable for higher traffic are you committed to making sure that those improvements are made
25 to be a good neighbor to the other people that will be personally impacted by trying to get home
26 that would not without the additional people driving on the roads?

27
28 Mr. Kihune: To answer your question with regards to potholes I would think that would come
29 under the Public Works Department and their current maintenance program. Any other
30 improvements whether it be a stop sign or a crosswalk or whatever that may be we would
31 definitely address that and make sure that we meet those standards for sure, yeah.

32
33 Ms. Pali: Because you recognize that going from a vacant lot with no extra bodies and now putting
34 if you get 28 homes, tuck in three, four people you know you're about 150 people more that
35 weren't there on a daily basis would increase the wear and tear of the current infrastructure.

36
37 Mr. Kihune: Correct.

38
39 Ms. Pali: And so I would suspect and I just wanna make sure that you're hearing them too and
40 that maybe the County doesn't always have access to improve those as often but with new
41 development we have an opportunity to strengthen that infrastructure around the neighborhood.

42
43 Mr. Kihune: Yeah, I mean...we'll definitely take a look at that. I think we all pay taxes here and
44 that's property taxes and that money goes for improvements and maintenance of our highways

1 and stuff so as 28 taxpayers I'm pretty sure they'll be contributing to that one way or the other as
2 we go forward, so yeah.

3
4 Ms. Pali: So are you representing that you are gonna take personal responsibility for making sure
5 if you develop this lot that you will make sure that the infrastructure around the lot adjacent would
6 have proper strengthening or are you...am I misunderstanding you in saying that our current
7 taxpayer dollars whatever they've been doing will be keep doing 'cause I'm not looking for the
8 status quo in this particular incident.

9
10 Mr. Kihune: Well as far as maintenance to the current South Kihei Road—

11
12 Ms. Pali: I'm not talking about maintenance, I'm saying that you're gonna bring in another
13 150 people and that's gonna cause a problem on top of a problem we already have and so I would
14 just like some sort of commitment that you recognize it's like you have a weight and it's been
15 carrying ten pounds but that ten pounds continues to eat at the bottom and now you want to add
16 another ten pounds and do nothing for it. I would just like some sort of commitment that you are
17 willing to strengthen the foundation if you're gonna add ten more pounds to the scale.

18
19 Mr. Kihune: I understand your question Commissioner. Again, that's gonna be dependent upon
20 our engineer working with Public Works and trying to determine and make sure that when we
21 leave that project it's better than when we got there, so just FYI okay.

22
23 Mr. Carnicelli: Commissioner Thompson.

24
25 Mr. Thompson: So is this development similar in scope as the workforce housing that you did in
26 Kaanapali.

27
28 Mr. Kihune: Pretty much identical, correct. The standards will be the same, the quality of the
29 homes. We're taking that template and dropping it right in here. That's our goal.

30
31 Mr. Thompson: Excellent. Well, nice job. I would maybe recommend to some of neighbors go
32 see what they did up in Kaanapali if that helps you feel how much...that's...how many 33 homes
33 was it?

34
35 Mr. Kihune: Thirty-three, correct.

36
37 Mr. Thompson: Thirty-three, yeah and how much that generates.

38
39 Mr. Kihune: Well, thank you very much. I appreciate that.

40
41 Mr. Carnicelli: Commissioner Freitas.

42
43 Mr. Freitas: Mr. Kihune, there was a letter from the Department of Homelands that had asked
44 that you go along with the kapa`akai which is to make sure that cultural traditions and practices

1 and things that you may find will be monitored and addressed and the response from
2 Ms. Duvauchelle was that you will be which I'm happy to hear.

3
4 Another thing that she had listed was, as the Maui County Code also requires that rezoning
5 applications demonstrate conformance with the community plan and the list of owners within
6 500-foot distance of the project area, an effort to be made to consult with the community
7 throughout the process, and in Ms. Duvauchelle's response she said that we will be fully
8 transparent in our due diligence. And I am hearing from those that came to testify that they didn't
9 sound like that was done and I know that maybe you might be waiting until the SMA but I think
10 this paragraph that was written from Ms. Hussey kinda pointed that out. Is there a reason for
11 that?

12
13 Mr. Kihune: Well, with this particular CIZ, change in zoning and it being Council initiated it's not
14 required. We, from this point going forward should we get through, and get through Council then
15 the SMA process application will actually hit on all those points and we're required to do that and
16 we will make all those notifications as necessary and required and as far as cultural assessment
17 that will definitely be done as part of our application, but at this point because it's Council initiated
18 it's not required so...

19
20 Mr. Freitas: Okay, thank you.

21
22 Mr. Kihune: You're welcome.

23
24 Mr. Carnicelli: So, I know that neighborhood, I mean go to Keawakapu Beach all the time and
25 I've always felt the ingress/egress into that neighborhood is goofy. One street, turn...(inaudible)...
26 turn up and then it's three different subdivisions that all the things that everybody's saying now,
27 the new guys...or the old guys didn't like the new guys and the new guys didn't like the next guys
28 and then all then all three of them now don't like you so because it is goofy and how come you
29 can't do ingress/egress off of South Kihei Road?

30
31 Mr. Kihune: The curbing and all the sidewalks have been completed by the County for that area
32 so our egress is coming off of Wela. And just to make a quick point, Wela was actually part of
33 this property at one time. The Ferreira's were generous enough to give access, utility easements
34 to those neighborhoods above them and now they're here trying to help the local people and
35 develop housing for local people and it's their turn to get...to do what they need to do to help the
36 help the local people so that's why they've contacted us to put this together.

37
38 Mr. Carnicelli: Got it. Got it. So I mean, other than the fact that curbs, gutters, sidewalks are in
39 is there a say, a logistical reason or I don't know an engineering reason why you wouldn't come
40 off of South Kihei Road, you know, bust out the curb, you know you make swale and you come in
41 that way, I mean is there a reason why we wouldn't do it that way?

42
43 Mr. Kihune: Well, we've got that egress/ingress that's currently there.

44
45 Mr. Carnicelli: Right.

1
2 Mr. Kihune: And with the KRC that's gonna be developed and doing that project across the street
3 that was mentioned—
4
5 Mr. Carnicelli: Right.
6
7 Mr. Kihune: They will be part of that intersection now.
8
9 Mr. Carnicelli: Right.
10
11 Mr. Kihune: And for us to have another intersection 150 feet down the road will not make any
12 sense and we'll be entering into probably Mana Kai's driveway or you know the parking where
13 the State is, so we don't probably see any real reason how we can make that work with that
14 intersection that's gonna change because of the KRC to some degree.
15
16 Mr. Carnicelli: Got it. It's kind of like Waipuilani and Maui Sunset, it's like this really weird thing.
17
18 Mr. Kihune: You know, you're kinda like...(inaudible)...right, you got to different—
19
20 Mr. Carnicelli: Right, right.
21
22 Mr. Kihune: Yeah, exactly.
23
24 Mr. Carnicelli: Okay. I'll go ahead and just...Commissioner La Costa.
25
26 Ms. La Costa: Wela Street does not go through as we all know. Are there any plans if that
27 belongs to the Freitas are there any plans to incorporate that and make it go through to Kilohana
28 to take some of the pressure off the traffic?
29
30 Mr. Kihune: No, that was not part of their plan. I believe they're gonna leave that as is that
31 portion. That will not be part of the development. It's gonna be a single lot that they're gonna
32 hang onto.
33
34 Ms. La Costa: Okay, because I think if there's a way that that can be incorporated, what I hear,
35 what I read, what I have seen is that that's one of the biggest bones of contention for this it's not
36 that it's not in my neighborhood it's that they're worried about sea level rise, they're worried about
37 traffic and if it can be alleviated in any way this would be that little piece of land being incorporated
38 and having an ingress/egress there. You may have some of the neighbors a whole lot happier
39 than they are now.
40
41 Mr. Kihune: I would say that you're possibly correct, but I'm not the neighbor that lives on both
42 side of that strip, so that would be a question for them because those two properties are adjoining
43 to that to put a street in there.
44
45 Ms. La Costa: Okay, I thought it was just a vacant lot right now.

1
2 Mr. Kihune: It is a small remnant piece vacant lot, correct, correct, but as part of this development
3 they were gonna keep that lot to at some point maybe put a residence there, I have no idea
4 because that portion is zoned R-3.
5
6 Ms. La Costa: That...the one little remnant piece is R-3?
7
8 Mr. Kihune: It's part of the R-3, yes, correct.
9
10 Ms. La Costa: Okay. Okay, then let's address the walk through that people use from the
11 developments up above to go to the beach.
12
13 Mr. Kihune: Okay. Private property, right, right now. It's private property parcel, correct.
14
15 Ms. La Costa: That is correct. Again, just trying to be pono. Is there a way that you could
16 incorporate something like to accommodate the folks up above?
17
18 Mr. Kihune: If the liability of that would be covered by the homeowner's above, insurance probably
19 liability walking into a sidewalk off of South Kihei could be accommodated by some type of
20 guarantee or waiver then possibly.
21
22 Ms. La Costa: Okay, so maybe that's the homeowner's association should look into that if that's,
23 you know another hot bottom that they had a problem with.
24
25 Mr. Kihune: 'Cause you're putting the burden on this project for access so we would think that
26 those homeowners or those areas is going to have to take the burden of that the liability.
27
28 Ms. La Costa: The hold harmless part of it.
29
30 Mr. Kihune: Correct.
31
32 Ms. La Costa: Liability. Okay, those are my two questions for right now. Thank you.
33
34 Mr. Carnicelli: Commissioner Castro.
35
36 Mr. Castro: No questions.
37
38 Mr. Carnicelli: Commissioner Tackett.
39
40 Mr. Tackett: You stated you're gonna use primarily local builders for this?
41
42 Mr. Kihune: Only really basically. Sandy's our general contractor. In all of our projects she hires
43 only local companies, with local workers.
44

1 Mr. Tackett: And then do they generally pay prevailing wage or union wages or they just kinda
2 go by whatever they go by?
3

4 Mr. Kihune: We have accommodation, you know a civil contractor is union wages, prevailing
5 wages and then some of our subs are not, some of our subs are it all depends on you know what's
6 available and what's out there at the time.
7

8 Mr. Tackett: On your last project what did you use on that one?
9

10 Mr. Kihune: Prevailing wages for our civil contractor which was Goodfellow and then prevailing
11 wages or union wages on some of our other subs and then I think couple of them, couple of them
12 were not because at the time there was nobody bidding for what we put forth.
13

14 Mr. Tackett: And what is your plan for this? And the reason why I ask is 'cause if you are gonna
15 use local labor which is awesome would be nice if they made a decent wage out of it because it
16 is a tract you know, so that's why I asked.
17

18 Mr. Kihune: No, we put it out for bid. We get a bunch of proposals, a bunch of bids, but it comes
19 down to money as far as building. You know, somebody is going to proposal \$10.00, the other is
20 going to propose \$8.00. So you know it comes down to bottom line these are workforce housing
21 projects. There's not a lot of money involved. You know our whole concept is to provide more
22 housing for our local people and that's the key. You need an example, the Kaanapali project
23 which we started four years ago, by the time we get done I'm lucky if I made a wage myself of
24 \$50,000 a year. So you know, it's not like it's something we're all making money on but we're
25 providing something that's very much needed in our community and we wanna put the best
26 product forward that we can and I think we've achieved that in Kaanapali and we'll achieve the
27 same thing here.
28

29 Mr. Tackett: And I admire that although I'm not really looking at the top level guys, I'm kinda
30 looking at the guy with shovel, the guy in the heat, you know what I mean, the guy with blisters,
31 the guy with the stitches, you know what I mean, I'm kinda looking at that guy, but it was just my
32 question on what the socio economic impacts would be for the local people because I've seen
33 local contractors that take great care of their workers and I seen local contractors where the guys
34 been at \$13.00 an hour his entire life you know so I've seen both ends of the spectrum so I was
35 just wondering where you guys fall on that.
36

37 Mr. Kihune: No, I appreciate that comment. We're very adamant about hiring local, local subs
38 so we wanna make sure we keep everything here.
39

40 Mr. Carnicelli: Commissioner Robinson.
41

42 Mr. Robinson: I just want to make a comment, I think we have to remember that this is affordable
43 housing so it's everything that the developer will incur the people who are purchasing the homes
44 will incur as you stated before and if you've been involved with affordable housing the margins
45 almost none. You know these guys are...these contractors they usually have other projects that

1 they do and that's why there's supposed to be percentage for the affordable, so when we say you
2 know we want you to fix the street next to you, you know, it's the developer is not going to pay for
3 it, the homeowners are gonna pay for it, you know, and every little thing, every little piece it rings
4 up their bill higher and higher. These homes are for the contractors that are digging the dirt, these
5 homes are for the people that need these affordable housing that are marginalized. This is, this
6 is what we need. I mean, in Kihei does anybody even know when the affordable housing project
7 was done 100 percent in Kihei?

8
9 Mr. Kihune: I do, 1989.

10
11 Mr. Robinson: 1989.

12
13 Mr. Kihune: That was my first house. I'm a product of affordable housing.

14
15 Ms. Pali: What was the project?

16
17 Mr. Kihune: Up in Hale Kai Street, up above, up above Tesoro, my first house.

18
19 Mr. Robinson: We have not in my backyard, we have not this, we have the hotels...since I've
20 been on at least half a dozen to a dozen that come out with rooms and I don't hear people
21 grumbling at all about, you know just a few associations and traffic, but we try to put affordable
22 housing, we try to put people who work in our stores and our firemen, our policemen and our
23 teachers and I hear people saying I don't want you to drive through my street that the same people
24 let you use their street and I don't think people understand that. This family gave their street for
25 the people to drive and now they're saying oh, we don't want you on the street you gave us, we
26 don't want that, oh, oh but you know what you gotta give us access to the beach, you mean across
27 my property? You know it's like, it's like I don't know where our thought process is coming from.

28
29 The number one concern of Maui is affordable housing and affordable housing is something that
30 we need. We had a, we had a meeting about Maui Tomorrow being here saying that our tourist
31 to resident ratio is upsid, we have this Commission, not to say anything but we keep on giving
32 away homes for more hotel rooms with short-term rentals and B&Bs and we've never balancing
33 it with affordable housing and so to me affordable housing this is just a recommendation for us to
34 give to the Council and the Council can go ahead and deal with what they want to do. But I've
35 been involved in a couple of housing projects and everything single thing always goes back to the
36 homeowner. Every single change that curb, move that sewer, move that tree, the developer he
37 already has his management fee and that's about it, you know what I mean, he's not gonna make
38 any more, any less, all the other fees go on top of these people and I think people when we get
39 to the Council, I think we'll hear from more affordable developer owners we went to...we go
40 to...we go to luncheons where everybody's trying to talk about how do we get people to afford an
41 affordable house on Maui, how do we do it? It's a...this is a challenge guys and I'm just happy
42 that these people don't want to change it to a TVR, a hotel where this family can make five to ten
43 times more. They're actually letting it become affordable housing when they could be turning it
44 into something that everybody else did.

45

1 You know I heard about lot sizes, Kilohana Ridge lot sizes they're a little bit bigger, but they're
2 not, they're not 15,000 square foot lots, these are not you know quarter acre lots, there's some
3 that are bigger but there's...seven to eight is kind of the norm, I mean, we have a few that are six,
4 a few that are seven and guys we have to look at, at really what our goal is. Our goal is...at least
5 what my goal is you know for Maui is to have workforce housing in a area where people can walk
6 to work, workforce housing where people don't have to commute and drive in and then find a
7 parking space. I saw a comment the other week, where it says, oh well we should turn it into a
8 parking space. So we want somebody to live somewhere else, drive and then park and then go
9 to work when somebody who lives there can just go to work. I mean, you know, I don't know why
10 we have this mentality. I don't know why we're not, we're not more supportive and say you know
11 what we're for affordable work housing but we wanna make sure that we abate all the ill falls of it,
12 make sure that you know that there isn't too many ADUs because these streets can only handle
13 so much, you know, that's extra, to me ADU is extra. You know, is that we keep the flow off of
14 South Kihei so that the feeder doesn't slow down the whole traffic down the line. You know, that
15 we have some help and some communication and that we have some aloha from the people who
16 had the free street all these years you know because otherwise they wouldn't...they'd be going
17 all the way out the other way up the top road. I mean, that's what we need, we need everybody
18 to get together and yes, hold these developers accountable for what they promise 'cause that's
19 what we're here to. But let's understand that every hurdle that we put we're not putting hurdles
20 on the developer, it's either gonna be they can or they cannot do it and if they can do it, it's gonna
21 cost the person purchasing the homes.

22
23 Please go look at the one at Kaanapali, they are next to...and I heard this talk from people around
24 there is they people was saying oh well, that's gonna bring my home pricing down, well if you're
25 gonna sell, it brings your home price down, but if you plan to live here and be part of Maui it brings
26 your taxes down so it's a benefit for you and those people all work in the resort area so there's
27 not the driving you know what I mean. What's wrong with people who service us and who works
28 for hard for us of living in a central area? Why does it have to be oh, this ridge out there is better
29 or that. Like he said, 20 something years guys no affordable housing in Maui, 20 something
30 years, our ratio is off balance. We're talking about not even letting any more hotels being built.
31 We gotta...we gotta do whatever we can to help this affordable housing projects work. Again,
32 keep them in line, everybody gotta follow the rules, but let's not put obstacles in their way. Thank
33 you Chair.

34
35 Mr. Carnicelli: Commissioner Pali.

36
37 Ms. Pali: Thank you.

38
39 Mr. Carnicelli: Let you follow that.

40
41 Ms. Pali: Commissioner Robinson. I appreciate all those comments and not to take away from
42 my concerns about the infrastructure and roads I'm still gonna be a big advocate for that but I
43 didn't want you to misconstrue that I'm against affordable housing. All the other issues I'm
44 appreciative of. The ADUs you've already sort of validated that right now, it's not your plans to
45 build those, those would just be left up to the homeowners like any other lot that meets the criteria.

- 1 And so if there is a way you can work with the County, again, not to be a broken record to just
2 make sure the infrastructure is there for the roads I am in support of the affordable housing
3 because I've been fighting for that since 2003 on committees and different, you know putting the
4 two percent affordable housing property tax into the affordable housing fund, all these things I've
5 been a part of and so for that I appreciate it, but I have one more question for you.
6
- 7 Mr. Kihune: Sure, go ahead, and thank you for your comments and I did not think—
8
- 9 Ms. Pali: I know I kinda drilled you a little bit but it's because I want a direct answer and I'm kinda
10 like that, sorry that's the German in me.
11
- 12 Mr. Kihune: No problem.
13
- 14 Ms. Pali: So I have a question, you elected in your proposal 80 percent to 120 percent, I have
15 two questions, why start at 80 and then why stop at 120, medium income?
16
- 17 Mr. Kihune: Well, it was a misprint, but we're gonna stick to 2.96 so it starts at 80 and then we
18 go all the way up just below 140, so 120 yeah.
19
- 20 Ms. Pali: Okay.
21
- 22 Mr. Kihune: So we're gonna stay with...we think 2.96 works really well and we like to follow that.
23
- 24 Ms. Pali: You're just going stay within the umbrella.
25
- 26 Mr. Kihune: Whatever the umbrella is.
27
- 28 Ms. Pali: Now question, and I haven't memorized 2.96 yet, but from the other developments that
29 have been following 2.96 like for instance Waiale that's going up now they have like three homes
30 at the 80 percent and like four homes at the...and then everything else is kind of at the high end,
31 do you have any kind of rough estimates as your calculation spread? I know that you need the
32 higher ends to make the lower ones affordable, but have you broken those numbers yet or are
33 you still preliminary?
34
- 35 Mr. Kihune: So 2.96 allows you to develop, you have to develop 30 percent of the homes in the
36 low/below moderate which is the 80 to 100 –
37
- 38 Ms. Pali: Okay.
39
- 40 Mr. Kihune: And then you need to develop 50 percent of the homes in the moderate, and then
41 20 percent in the above.
42
- 43 Ms. Pali: Oh so 20 percent on the above?
44
- 45 Mr. Kihune: Very little, yeah.

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Ms. Pali: Yeah, okay 'cause it's backwards, but maybe those got approved from before.

Mr. Carnicelli: Those are 50 percent affordable not 100 percent affordable.

Ms. Pali: Oh okay, wonderful, okay.

Mr. Kihune: So it's...the sweet spot is the 80 to...the below and the moderate, the above is always right at that point where we just get enough buyers, so like for Kaanapali it was exactly as many homes as we had we had as many buyers for that so it worked out.

Ms. Pali: Okay, okay that's it. Thank you.

Mr. Carnicelli: Commissioner Thompson. Commissioner Freitas.

Mr. Freitas: Mr. Kihune I know some people that have lots in the Kaanapali and they're very happy with what you've done and I know that there was mention about the neighbors making some kind of the comments that we heard today from those opposing this. I congratulate you for what you're doing. That's all I need, that's all.

Mr. Kihune: Thank you Commissioner Freitas.

Mr. Carnicelli: My question is why 28? I mean, why go to 6,500 square foot lots, I mean why not go 4,000 square foot lots and put 50 homes in there, I mean, like how did you guys when you were sitting there drafting up or opposite you know like one of the neighbors said hey, you know it's matchy, matchy and make them all tens, you know why did you pick that?

Mr. Kihune: We sat and discussed this for some time and we decided that 6,000 was the minimum lot size that we wanted to have and it works well for our homes which are 1,300 square feet to almost 1,800 square feet. We could have put more density, we don't want to. We think it's comfortable for the surrounding area with homes lots being around 7,000 or 7,500 square feet. So we're trying to match to some degree whether it be aesthetics or just the look of the neighborhood to be the same as the neighborhood across the street. So we could have went more but we decided 28 works well for us.

Mr. Carnicelli: Okay, yeah and I mean I've seen your product before and it's, you know it's just gonna be, you know the workforce version of kinda what's around there or at least that's...if you keep consistent with what it is you've done before.

Mr. Kihune: Correct.

Mr. Carnicelli: Are you gonna make them layout in a way with which...I mean, depending upon like what happens at Council and whether or not they like the idea or not you lay them out to where you give the opportunity to these working families to save up a couple of nickels and go get a Honsador home and put an ohana in you know so like they can build equity themselves and

1 maybe one day they can move across the street into, you know the upper neighborhood, do
2 something like that is that...you know, position them in a way with which you can do that?
3
4 Mr. Kihune: Well it's interesting you ask that question we looked at it from the ohana standpoint,
5 if we decide and Council and this body allows us to move forward with ADUs which is by law we
6 can—
7
8 Mr. Carnicelli: Right.
9
10 Mr. Kihune: We would actually set the ohana pad prior to building.
11
12 Mr. Carnicelli: Oh wow.
13
14 Mr. Kihune: So you can build your pad here, we would rough in the utilities for that ohana so that
15 that homeowner at that point does not have to get into the ground to develop his ohana whether
16 he wants to do it five years later or 15 years later whatever it be, but we want to provide that and
17 that's the discussion that we've had numerous times and it's a little more expense on our part but
18 I think having consistency in the neighborhood, the community and not having to get back into
19 the ground for utilities and stuff would be a big advantage for someone who wants to build an
20 ADU.
21
22 Mr. Carnicelli: That's you leaving money on the table.
23
24 Mr. Kihune: That's correct. Probably about \$3,000 a home.
25
26 Mr. Carnicelli: Right, well plus if you've actually built the home and then CPR and blah, blah,
27 blah, blah.
28
29 Mr. Kihune: Whatever, yeah.
30
31 Mr. Carnicelli: Yeah, I mean so that's a whole nother rabbit hole we could go down.
32
33 Mr. Kihune: Right.
34
35 Mr. Carnicelli: You had another question? Go ahead.
36
37 Ms. La Costa: On the elevations, well I have two questions.
38
39 Mr. Kihune: Sure.
40
41 Ms. La Costa: First of all, how are you going to address the concerns that we have heard and
42 read about for the sea level change irrespective of what the map says are you gonna do any kind
43 of elevation rise or any kind of site work to mitigate that?
44

1 Mr. Kihune: I think the current property based on our initial review with our civil engineer will
2 probably be wherever the highest point on that property is. That's pretty much what the entire
3 subdivision is going to be. So if the highest part is on the edge of Wela Street then the entire
4 subdivision will be at that level. So in other words, so if that curb is the highest point, that's the
5 highest point, yeah.

6
7 Ms. La Costa: And what about view planes?

8
9 Mr. Kihune: View planes we're restricted in residential to 30 feet.

10
11 Ms. La Costa: I mean I'm talking about view planes for homes or neighbors is there any kind of
12 plan for that so that you don't have a two-story home in front of someone who had an ocean view
13 or setting them anywhere on the lot so that you would mitigate that for the people in the back as
14 well?

15
16 Mr. Kihune: I don't see us going through that process, but is there a view right now?

17
18 Ms. La Costa: I don't live there. I have no idea.

19
20 Mr. Kihune: Okay, yeah just a question. I'm not sure. All I know is there's kiawe trees through
21 the entire property so there is really no view at this point, but...

22
23 Ms. La Costa: I'm just concerned because a lot of developments have view planes so that the
24 houses in back don't get blocked by the houses in front irrespective of whether or not they're in
25 the same subdivision.

26
27 Mr. Kihune: I think that elevation in that subdivision has got to be at least five or six feet higher
28 than our location to be honest. We'll stagger our homes, you know two-story, one-story, we'll
29 stagger them throughout the subdivision but that's our plan, our current plan. We won't wanna
30 put them all in one line let's put it that way.

31
32 Ms. La Costa: Okay, thank you.

33
34 Mr. Carnicelli: Just so you know in the SMA process there is a view requirement in the SMA
35 process but it is to protect public views, not private views. Yeah, okay. Anybody else have any
36 questions or comments at this time? Commissioner Pali.

37
38 Ms. Pali: One last question. In this diagram, Figure 1.

39
40 Mr. Kihune: Yes.

41
42 Ms. Pali: Are the homes facing in towards each other?

43
44 Mr. Kihune: Yes, they're all facing into the interior of the street.

45

1 Ms. Pali: So back towards Kihei road and then back towards Wela Street?
2
3 Mr. Kihune: Correct, yes.
4
5 Mr. Carnicelli: Commissioner Robinson.
6
7 Mr. Robinson: I wanted to give Tara that opportunity. She wanted to state something during
8 testimony Tara and I know it came up again regarding the...was it sea level rise or was it...
9
10 Ms. Furukawa: Yeah, I just...I just wanted to clarify that we did address it in our report so in the
11 staff report, Page 15 we talk about and we looked at from 3.2 foot sea level rise exposure as well
12 as six-foot and it's out of the area so there's figures to show you as well.
13
14 Mr. Robinson: Is, is Tara do you have information of what it is at besides just saying it's clear of
15 six feet?
16
17 Ms. Furukawa: No, we just—
18
19 Mr. Robinson: No.
20
21 Ms. Furukawa: Yeah, it's Exhibit 28, that shows the 3.2 foot area and then Exhibit 29 shows
22 six foot.
23
24 Mr. Carnicelli: And that bodes the question because that line is going to be adopted by us, right.
25 We're in the process, just so you guys know that we're in the process of going through SMA and
26 setback line changes and so that actually is changing, but I believe in when Dr. Fletcher was here
27 and we were discussing that they were gonna incorporate new data. Do we know if that's actually
28 going to happen or not Director?
29
30 Ms. McLean: It is going to happen.
31
32 Mr. Carnicelli: It is going to happen, so that line's gonna change as well. So anyway so we don't
33 actually know where it's going to be officially right now or —
34
35 Ms. McLean: If I could?
36
37 Mr. Carnicelli: Okay go ahead.
38
39 Ms. McLean: --add onto that. The reexamination I don't know if that would take place in this
40 general area because that reexamination was gonna be looking at the different sub-strait which
41 is more prevalent on the north shore where you don't have the sandy bottom going out quite a
42 distance where which is the case here. So I...it could change here but my...if I...my guess is that
43 it probably won't change.
44

1 Mr. Carnicelli: Yeah, I think this is also one of those ones where the line ends, you know, because
2 is it's in front of this because where the Kahoolawe thing is gonna go is all rocky and so there's
3 not actually a line there so anyways...

4

5 Ms. La Costa: I have a question for the Director please.

6

7 Mr. Carnicelli: Go ahead.

8

9 Ms. La Costa: Director this question is for you please. When is the community plan for Makena-
10 Kihei going to be revisited and changed?

11

12 Ms. McLean: It is the next plan after West Maui. We are in the CPAC process with West Maui.
13 As soon as the CPAC process finishes which is presently scheduled for toward the end of January
14 but they are talking about or they are requesting an extension so that might extend another couple
15 of months or several months. So until we are able to move out of the CPAC we will not be
16 beginning the community engagement process for South Maui. So we wouldn't be starting
17 community engagement for South Maui until sometime next calendar year and then that would
18 be quite a while before the CPAC is empaneled. So it's still easily more than a year away before
19 the CPAC is empaneled, once the CPAC begins it's a two-year process

20

21 Ms. La Costa: Thank you.

22

23 Mr. Carnicelli: Any other questions, comments? Corporation Counsel, Mr. Hopper.

24

25 Mr. Hopper: Just a clarification. There was some discussion about the distribution of the
26 workforce units and I think that brings up an issue with the...the wording of the condition. The
27 wording of the proposed condition says that the property shall not be developed for any purpose
28 other than workforce housing as defined by Chapter 2.96, Maui County Code. There's a definition
29 which I assume this is based on 2.96 for residential workforce housing unit and that just says
30 means a unit or lot to be sold or rented to residents within one of the following income groups as
31 established by the Department and that goes all the way up to above moderate income which is
32 whose gross annual family income is more than 120 percent but not more than a 140 percent of
33 the area median income. That definition itself doesn't have a income group distribution so
34 technically a residential workforce housing unit could include all units from 120 to 140. If the intent
35 is to...what this...this ordinance also has another Section 2.96.040(c) that defines income group
36 distribution and it basically says, unless waived by the Director the following income group
37 distributions are required and that goes over the distribution, 30 percent for below moderate, 50
38 percent for moderate income and 20 percent for above moderate income.

39

40 I don't know what the Commission would recommend that the Council do, but simply saying that
41 the only permitted use is residential workforce housing units does not specify income group
42 distribution necessarily. It also doesn't go over if there's gonna be like an affordable housing
43 agreement with the Department of Housing and Human Concerns which you normally would have
44 in a 2.96 situation. So I think that's something that you can look at specifying a bit more in this
45 case. I would at least change the wording to, any purpose other than residential workforce

1 housing units as defined by Chapter 2.96 starting from there and then if you have a particular
2 income group distribution if you want to say consist with that subsection or something else you
3 can say that but as it stands now the condition I think would potentially allow them to build...I'm
4 not saying this is their intention, it would allow them to build all 120 to 140 range housing if they
5 wanted to 'cause those technically would be residential workforce housing units, so you may want
6 to think about if you wanted to limit that further and go over that issue.
7

8 Mr. Kihune: Appreciate that Mr. Hopper. Just to clarify some additional information. We already
9 have an executed workforce housing agreement with the Department of Housing which is 30, 50,
10 and 20 and that's been executed for about six months now and we're getting ready to record that.
11 We don't plan on changing that. We're doing a ten-year buy back so we're not following the five,
12 seven, and ten, so just wanted to give you some clarity so we are under agreement with the
13 County as far as 100 percent workforce housing for this project.
14

15 Mr. Carnicelli: Okay, thank you.
16

17 Mr. Kihune: With the Department of Housing.
18

19 Mr. Carnicelli: Mr. Hopper.
20

21 Mr. Hopper: And you may want to consider having that reflected in the condition.
22

23 Mr. Carnicelli: Yeah, I think that that would be appropriate just like as per the already executed
24 agreement or something to that effect.
25

26 Ms. La Costa: May I please?
27

28 Mr. Carnicelli: Commissioner La Costa.
29

30 Ms. La Costa: Thank you Chair. So Mr. Kihune when you talked about a ten-year buy back how
31 are you going to allocate that is...does it go back into an affordable housing and the owner gets
32 a portion of the appreciation or is it just going to market and then—
33

34 Mr. Kihune: In ten years the owners or the buyers will have their prerogative whether they want
35 to sell, want to get some equity on their house to send their kids to college, send those kids to
36 school, maybe use some of that money to buy another piece of property somewhere but that is
37 their prerogative and we don't want to control their life that way.
38

39 Ms. La Costa: So it's going back into market so the affordable ten years and then it just goes
40 back to market.
41

42 Mr. Kihune: That is correct.
43

44 Ms. La Costa: Thank you.
45

1 Mr. Carnicelli: Any other questions at this time? Okay, thank you.

2

3 Mr. Kihune: You're welcome.

4

5 Mr. Carnicelli: Director as she does is madly scribbling again. You know what I'll do, while you're
6 doing that –

7

8 Ms. McLean: I'm done.

9

10 Mr. Carnicelli: Okay, you're done. Okay, as per kind of like what Mr. Hopper brought up in
11 remaking the condition what you have.

12

13 Ms. McLean: The proposed condition could be replaced with in accordance with the workforce
14 housing agreement executed with the Department of Housing and Human Concerns the property
15 shall be developed for residential workforce housing units pursuant to the income distribution
16 requirements of Section 2.96.040(c), Maui County Code.

17

18 Mr. Hopper: And clarify that's the sole purpose permitted on the property as well. I know
19 developed in accordance to that but the original condition shall not be developed for any
20 purpose...well, maybe you were assuming that but it does say shall not be developed for any
21 purpose other than workforce housing. And so I don't know if you want a separate condition that
22 says what you just said or change the condition and just make clear that that's the sole purpose
23 permitted on the...sole use allowed on the property.

24

25 Ms. McLean: Okay, in accordance with the workforce housing agreement executed with the
26 Department of Housing and Human Concerns the property shall not be developed for any purpose
27 other than residential workforce housing units pursuant to the income distribution requirements of
28 Section 2.96.040(c), Maui County Code.

29

30 Mr. Carnicelli: That works for me. So Commissioners should this you know we will have to have
31 a motion as to how we want to handle this recommendation to the Council. If we were gonna add
32 this condition are you guys okay with having just this one condition or do you guys at this point in
33 time would like to put additional conditions into this CIZ. Commissioner Pali.

34

35 Ms. Pali: Whether it's the developer that pays it or the County or the State that pays it, I would
36 like to be able to put a condition for the project moving forward about just highlighting the special
37 crosswalks from the new subdivision over to crossing over South Kihei Road at that intersection
38 you know the highlighted ones.

39

40 Mr. Carnicelli: Okay.

41

42 Ms. Pali: I don't know what the County Code is or requirements but again if we're talking about
43 safety measures I imagine these families are gonna wanna enjoy the beach.

44

45 Mr. Carnicelli: And again, that's something that an SMA—

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Ms. Pali: Okay, all right, all right.

Mr. Carnicelli: And we just beat up the bus hub although Mr. Hopper is gonna say that's not within the SMA rules though.

Mr. Hopper: I would say in general the SMA doesn't look at traffic conditions per se if it deals with coastal access and things like that it could, but if you do have traffic conditions that you think are relevant I would advise looking at them at this time, you can maybe look at SMA as well, but you've got broader authority or at least the Council does in imposing traffic conditions on a change in zoning than you would for an SMA so that might be something to look at if you've got a concern there.

Ms. Pali: So specialized traffic crossing for crossing Alakoa Street, crossing South Kihei Road for beach access, something for even our families.

Mr. Carnicelli: So you want trying to think how to word it, I'll let Michele do that and then Commissioner Robinson.

Mr. Robinson: I don't want any conditions besides it has to be 100 percent affordable housing with their promise that they're gonna stick to those, you know the workforce housing agreement. I think when it comes back, and again, it's not because I don't think that's a great idea, I think it is, I just don't want...I want it to go clean to the Council. If the Council going to have stuff, there's gonna be testimony, people are gonna go back and it's gonna, it's gonna come back and for the safety I think there's recommendations we want them to look at and then there's conditions, you know and I think we're always about safety and I think we could look at that, but I don't know what the cost of the entail is to have that light. You think there's a crosswalk there now I'm not sure, but if and we don't that and it's a you know, then those 28 people are gonna have to carry that burden and that's what I'm concerned about.

Mr. Carnicelli: So would you like to make a motion?

Mr. Robinson: I'd like to...well, if there's no other discussion?

Ms. La Costa: I have some more as I always have.

Mr. Robinson: Yeah.

Mr. Carnicelli: Okay, Commissioner La Costa.

Ms. La Costa: Thank you. So there isn't anyone in this room who doesn't agree that we need workforce housing. If you're gonna do a workforce housing project and you allow accessory dwellings then those can be rented to someone that income will then change for the people who are renting it and the density will increase. So I have a problem with that because you're no longer "eligible" for workforce housing if you're getting \$1,200 or \$1,800 a month out of an

1 accessory dwelling. So that kinda shoots that in the foot. If it's an attached ohana for grandma,
2 for mom, whatever that's one thing with no entrance except interior, but when you're looking at
3 two different dwellings and...I mean, there isn't anybody here also who doesn't know the expense
4 that it cost to rent a place now, 500 square foot in Kihei next to Wailea or half a mile from Wailea
5 you're looking \$1,500 to \$2,000 a month that takes people out of the affordable range. So I am
6 not for the accessory dwelling aspect of it at all.

7
8 Mr. Carnicelli: You have any other questions or comments? Okay, Commissioner Freitas.

9
10 Mr. Freitas: I would like to share a few things. Some of the letters in opposition that were written
11 I just wanted to address a few. One of them said the trees in the area are home to a large and
12 diverse population of birds and small mammals and as we heard and if I remember that that area
13 is kiawe which is a invasive species and the mammals that would be there would rats, centipedes
14 and you know insects and scorpions so I think this development is actually benefiting that area.

15
16 The second is that there were some comments about the value of the neighbors and I had a friend
17 that lived across the street and the reverse happened to them. The development around them
18 made them have to sell their property and they don't live there anymore.

19
20 And third, we are aware of the sea level rise. We've been listening to presentation after
21 presentation and I would like to those that did make those comments that that is a concern we
22 are aware of it. But I still agree with Commissioner Keaka here that we should approve. Thank
23 you.

24
25 Mr. Carnicelli: Commissioner Robinson.

26
27 Mr. Robinson: I think Commissioner La Costa brought up a great point about being a rental
28 instead of a ohana and I don't know enough about the subject or when to take that up or what it
29 is and not so much a condition but it's something that I think that somebody must of thought of
30 somewhere if they're gonna have, if they're gonna allow the ADUs in a development housing
31 compared to a ohana. So you know I mean she's right, you know, it will just jump out. So do you
32 have any...can you share any light on that?

33
34 Ms. McLean: There was discussion at the Council when they were considering various 201H
35 affordable housing, the fast track projects whether to include ohanas in some of those and the
36 discussion would have put restrictions on the rental prices of the ohanas as well so that the
37 ohanas would also be affordable rentals so that's an additional opportunity for housing. It wouldn't
38 be as much income for the property owner but that lower income could, I don't know, but could
39 keep them—

40
41 Mr. Robinson: The spirit is affordable, affordable, and keep everything affordable so it stays within
42 the spirit I understand that.

43
44 Ms. McLean: So that could be a condition or that could be something you want the Council to
45 consider.

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Ms. Pali: I can just speak to the motion on a person who continues to qualify people through the current affordable housing agreement and income qualifications the current verbiage is written and they can't look at future income because we don't know what the future holds. You think that one day that you'll have an ohana and you think one day you'll get it but you don't have it and there's no proof that you have it now or have had it and so when they do income qualifications based off these income mediums and AMIs they're going on what you have gotten and your past so much so that I hope that they update one day because they're actually a year behind.

We are December or November of 2019, the last filed tax return was 2018. So if I were to walk in to try to qualify for an affordable housing through the Housing Human Concerns Department they would be looking at my 2018 tax returns that's a year behind and so right now that needs some updating but unfortunately they won't be qualifying on new income or proposed income cause it hasn't happened yet so that's how they get around that whether it's okay with you or not that's how they work on it now.

A side note, I'm kind of in between both of you because number one, they need affordable housing and so we want to give it them, but then why do we limit them? We say, hey we want to give you an affordable house but you don't get the luxuries and the benefits of homeownership like everyone else does that's my pet peeve, why don't they? Are we now discriminating them because we gave them a hand up so everyone else can have a cottage and get money and subsidize their own living expense but we don't want the people who we gave a hand up to have the same benefits so I actually disagree and I'm grateful to find a first project that the County is for an affordable rental for the ADU and allowing the people that we gave a hand up to then turnaround and give other people who can't buy a hand up in an affordable rental. So that's how I feel.

Mr. Carnicelli: Commissioner Robinson.

Mr. Robinson: Commissioner Pali that's a great point. Unfortunately in our world there are people that like to bring other people down and they find any reason to try to stop projects and one of those is trying to find well that they don't qualify anymore, they're making some money. So even though we may think that they should be able to do everything everybody has unfortunately we have to set some limits to prevent people of abuse, because one person that might abuse it or do an illegal rental might shutdown future affordable housing projects and that's what my concern is. My concern is I don't want any doubts, I don't want any NIMBYs out there, I don't want anybody to find anything wrong with a project that they can try to say it has a room for abuse. But like, I'm with you everybody should be able to have the same opportunities as everybody else and it's a good question and with that I'd like to make a motion Chair to approve with the added condition of them following the workforce agreement.

Mr. Carnicelli: So it's been moved to accept the staff's recommendation. Do I have a second?

Mr. Freitas: I second.

1 Mr. Carnicelli: Seconded by Commissioner Freitas. Discussion to the motion. Based on the
2 revised condition, yes. Discussion to the motion? I'll go ahead and chime in. This is obviously a
3 very, very passionate, sensitive subject, housing, affordable housing, it's the number one issue
4 on our island, the thing that everybody talks about. It's a 100 percent affordable project, is it
5 perfect? No. There is no perfect project. Does it have some warts? Yeah, it has some warts.
6 Do I have some concerns? Yes, I have some concerns. But it's affordable housing, it's workforce
7 housing, it's our people. We're gonna have a couple of vacation rentals after this and neighbors
8 are gonna show up and they're gonna freak out that we're losing one house to a vacation rental,
9 right? We sit there all the time here, right? We see that all the time, here, right? People show
10 up, no, we can't have that one house become a vacation rental, we have a housing crisis and
11 now we're turning 28 homes into housing potentially. So this is, you know, to me we need more
12 of this. I like the fact that our workforce housing people are going to live that far south in Kihei,
13 you know good for them. Somebody is gonna win the lottery, 28 families are gonna live the lottery
14 if this goes through. So I'm in favor of it and I understand the concerns, we see it a lot every time
15 one of these come before us you know we see this. There's fears, there's a lot of unknown right
16 now, right? You don't know what's going to happen. You don't know what your home prices are
17 gonna do? You don't know what's gonna happen to the neighborhood. You don't know what's
18 gonna happen to traffic and it's the fear of the unknown, but this is 28 families that we're gonna
19 be able to help out so I will be supporting the motion. Commissioner Robinson.

20
21 Mr. Robinson: And I just wanna say that some people have a fear they think it's Section 8 housing,
22 they think it's poverty level housing, so of a union construction worker qualifies for this affordable
23 housing, I mean we went through this before, we're talking you know people that make 30
24 something dollars an hour, we're talking policemen, firemen, teachers, we're not...this isn't, this
25 isn't low, low, low level, this is just working class workforce housing and they're good neighbors,
26 they're good neighbors, they're safe neighbors, they're neighbors that, you know, that take care
27 of other neighbors, you know and I've actually visited the other project up in Kaanapali and that's
28 the kind of neighborhood that we used to have, you know everybody talks to each other. It's not
29 full of landscaping and you don't even see your neighbors when you pull into your garage.
30 It's...let's give it a shot and I think hopefully we'll get more built 'cause none has been built in
31 decades and we need to start somewhere. Thank you.

32
33 Mr. Carnicelli: Any further comments? Commissioner Freitas.

34
35 Mr. Freitas: After Mr. Kihune said 1989 was last affordable in the Kihei area compared to all of
36 the development of hotels I think it's due for us to get more affordable homes built. Thank you.

37
38 Mr. Carnicelli: Thank you. Anything else? Commissioner Castro.

39
40 Mr. Castro: I can go back a little further 1982 affordable housing, 8,400 square foot lot, three
41 bedrooms, one and a half bath, \$78,000 unreal, we'll see it again but it's time. We're overdue,
42 way overdue.

43
44 Mr. Carnicelli: Thank you.

45

1 Mr. Tackett: No, I have nothing at this time. Director.
2

3 Ms. McLean: The motion on the floor is to recommend approval of the change in zoning to the
4 County Council subject to the revised condition.
5

6 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes. Unanimous.
7

8 It was moved by Mr. Robinson, seconded by Mr. Freitas, then unanimously
9

10
11 **VOTED: To Recommend Approval of the Change in Zoning to the**
12 **County Council Subject to the Revised Condition.**
13

14 **(Assenting – K. Robinson, K. Freitas, D. Thompson, K. Pali,**
15 **C. Tackett, S. Castro, P. D. La Costa)**
16

17 **(Absent – T. Gomes)**
18

19 Mr. Carnicelli: So I would just...you guys get a lot more bites at the apple here, right. This is just
20 a recommendation. It's gonna go up to the County Council. They have all the authority. We
21 have none, you know. We just make a recommendation. So rally your troops, do whatever you
22 want to do, go up and talk to the County Council and express your concerns up there 'cause they
23 actually are the decision makers. So I want to let you know that it's not that you weren't heard,
24 it's just we came to our conclusion the way we did and you guys have more say. So I would just
25 say go ahead and take advantage of that, that opportunity that you guys are gonna have.
26
27

28 Respectfully Submitted by,
29

30
31 CAROLYN TAKAYAMA-CORDEN
32 Secretary to Boards and Commissions II
33

Tara

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

February 11, 2020

CERTIFIED MAIL - # 7018 2290 0001 0724 0432

Mr. Howie Kihune, Aina Lani Pacific LLC
Ms. Sandra Duvauchelle, Lehua Builders
360 Papa Place, Unit 203
Kahului, Hawaii 96732

Dear Mr. Kihune and Ms. Duvauchelle:

SUBJECT: AMENDED RECOMMENDATION OF APPROVAL OF A CHANGE OF ZONING FROM OPEN ZONE AND R-3 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT FOR THE PROPOSED KILOHANA MAKAI WORKFORCE HOUSING PROJECT ON APPROXIMATELY 6.943 ACRES OF LAND, LOCATED IN KIHEI, MAUI, HAWAII; TMK: (2) 3-9-004:141 (CIZ 2019/0001)

Subsequent to the issuance of our letter dated December 4, 2019, it was discovered that there is an error in the wording of the condition recommended by the Maui Planning Commission (Commission). Please note that this letter shall supersede the previous version.

At its regular meeting on November 26, 2019, the Maui Planning Commission (Commission) took public testimony, reviewed the above requests, and after due deliberation, the Commission voted to recommend approval of the Change of Zoning (CIZ 2019/0001) to the Maui County Council (Council).

The Change of Zoning recommendation of approval is subject to the following condition:

1. In accordance with the Workforce Housing Agreement executed with the Department of Housing and Human Concerns, the property shall not be developed for any purpose other than residential workforce housing units pursuant to the income distribution requirements of Section 2.96.040(c), Maui County Code.

Mr. Howie Kihune and Ms. Sandra Duvauchelle
February 11, 2020
Page 2

The Commission also adopted the Report and Recommendation prepared by the Department for the November 26, 2019 meeting as its Findings of Fact and Conclusions of Law, and authorized the Planning Director to transmit the Commission's recommendation to the Council on its behalf.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Tara Furukawa at tara.furukawa@mauicounty.gov or at (808) 270-7520.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Pam Eaton, Planning Program Administrator (PDF)
Kathleen Aoki, Planning Program Administrator (PDF)
Tara K. Furukawa, Staff Planner (PDF)
Department of Housing and Human Concerns
Real Property Assessment Division
Department of Public Works
Department of Environmental Management
Department of Water Supply
Department of Fire and Public Safety
Police Department
Project File

MCM:TKF:lak

K:\WP_DOCS\Planning\CIZ\2019\0001_6.943AcresS.Kihe\StaffReportToDecision\AmendedMPCApproval.doc

Tara Furukawa - Rezoning of vacant land by Kilohana Ridge, Kihei

From: Loren Clive <loren.clive@gmail.com>
To: <planning@mauicounty.gov>
Date: 11/24/2019 4:51 PM
Subject: Rezoning of vacant land by Kilohana Ridge, Kihei

I am writing in support of the rezoning of the vacant land in front of Kilohana Ridge. I own a home in Kilohana Ridge, and contrary to the NIMBY Board's position, I wholeheartedly support the construction of affordable homes nearby. The various excuses espoused by opponents basically boil down to a cynical attempt by ruling elites to quash an affordable housing development in their million dollar neighborhood.

As a local real estate broker, I have personally seen the devastating impact of restrictive zoning on Hawaiian families. We need more housing! Start building

Loren E. Clive, Broker
808 - 250 - 6891

out of 500'

Tara Furukawa - protest for high density housing in South Kihei

From: Mark Del Frate <indianmad@aol.com>
To: <planning@mauicounty.gov>
Date: 11/21/2019 7:31 PM
Subject: protest for high density housing in South Kihei
Cc: <shapmaui@aol.com>, <newqui5@aol.com>

As a resident of the Kilohana Waena subdivision near Kilohana and South Kihei Road, I would like to protest the proposed zoning change for the current Open Space property along South Kihei Road near the intersection with Kilohana. A zoning change for affordable housing just doesn't make sense, no matter how you look at it. One of the main reasons that we recently built a custom house in Kilohana Waena was because of the privacy afforded by the open space buffer along South Kihei Road. How can you arbitrarily try to change the zoning from Open Space to high density affordable housing? Areas previously dedicated to Open Space should not be compromised nor adapted for other uses. Open space is vital for healthy communities. There are plenty of other areas to build affordable housing that won't take away from this particular dedicated Open Space.

The area in question is in a low lying area prone to flooding, especially with rising sea levels. Why would you want to build a housing development in an area that could be easily inundated with storm surges and flooding? This type of development should be located somewhere else on higher ground that is not in danger of this type of future damage and destruction. The approval of this zoning change would be very shortsighted and not accomplish anything in the long run. Please find another appropriately zoned area that would be more suitable for an affordable housing project.

Sincerely, Mark and Linda Del Frate 83 Hoolapa Street, Kihei, Hawaii 96753 indianmad@aol.com 505-459-9636

0117 186 5001

Tara Furukawa - Testimony: No on Zone Change on Wela St. in Kihei

From: Michael Gach <mrgach@att.net>
To: <planning@mauicounty.gov>
Date: 11/21/2019 6:33 PM
Subject: Testimony: No on Zone Change on Wela St. in Kihei

To the Planning Commission:

We strongly object to the proposal to change the zoning on Wela St to an affordable housing development. We need open land, especially in this area near Keawakapu Beach.

This piece of land should be left open for generations to come especially in this area. Environmentally, stormwater runoff is terrible after heavy rains, and paving this land over, will create more runoff and degradation of our fragile coral ecosystem. Keawakapu Beach is one of the world's most beautiful beaches must be protected.

Please consider rejecting this proposal to change the zoning on Wela St.

Sincerely,

Barbara & Michael Reed Gach
2198 Auina Place, Kihei, Maui

November 26, 2019

To Maui County Planning Commission

RE: Proposed Zoning Change of TMK(2)3-9-004:141

As a concerned home owner living within 500 feet of the proposed development at the base of Ahekolo Street in Kihei I raise the following points:

1. The surrounding residential developments are upscale in nature with narrow, private road access points. The development as proposed degrades the value of the surrounding residences and further overloads an already stressed private road system.
2. To improve traffic access Wela Street should connect to Kilohana drive.
3. For pedestrian safety Wela Street should have a 4 foot wide sidewalk installed on the development side of the street.
4. To make the development compatible with the surrounding developments and to reduce congestion houses must be single family with no Ohanas. Lots should be a minimum of 7,300 sq. feet. Front and rear property setbacks should be 20 feet with side yard setbacks 6 feet. House height maximum 35 feet. House roofs to be concrete tile. Two car garages are required. Street parking must be minimized for safety.
5. Privacy walls should surround the development. They should be 5 or 6 feet high and constructed from stone or decorative concrete block. Wood or plastic not allowed.
6. A long established pedestrian trail connects Wela Street to South Kihei Road at the base of Ahekolo Street. It provides safe and convenient walking access to the beach. It should be paved and remain open to the public.

Respectfully submitted,



Patrick McGilvray
55 Ahekolo Street

within SDD

Tara Furukawa - WELA STREET DEVELOPMENT - TMK: (2) 3-9-004:141 Re-zoning

From: Bud Nykaza <bn111727@gmail.com>
To: <planning@mauicounty.gov>
Date: 11/22/2019 12:26 PM
Subject: WELA STREET DEVELOPMENT - TMK: (2) 3-9-004:141 Re-zoning

Aloha,

We thought this issue was brought to an end last year. For the following reasons, we believe that this development should not go forward. Thanks in advance for your assistance. This email can be added to the letters that will be presented at the next meeting.

*** We believe this land should remain open for the future because of sea level rise**

*** We believe that placing housing here would put future homeowners in harms way.**

*** We firmly believe that South Kihei Road will someday become flooded due to sea level rise, and this land would be able to reroute the South Kihei road more easily and less costly than if the county had to purchase and knock down 10, 20, or 30 houses**

*** The Kihei Makena Community Plan (KCP) calls for this land to be residential. BUT, and this is a big but, the KCP was last updated in 1998. There was not one mention or concern of Sea Level Rise in the report 1998. Today it is HIGHLY unlikely that the KCP would recommend this land to be residential due to the concern of sea level rise. No action should take place on this land until an updated KCP and a MASTER PLAN for the area including the public parking lots across the street at Keawakapu beach, are complete.**

*** This land is UNIQUE as it lies between to two other large buffer parcels that are undeveloped and will act as a future sea level rise buffer corridor. One to the North (in front of Maui Hill) , and one to the South (in front of Wailea Kai).**

*** We do not approve of rezoning ANY land without getting detailed plans for the land first.**

*** We believe that the deadline has passed to have this heard at the Maui Planning Commission**

Cordially,

**Leon & Dorothy Nykaza
35 Ponana St.
Kihei, Hi. 96753**

Tara Furukawa - County Reso 18-195

From: Sandra Duvauchelle <sandy@lehuabuilders.com>
To: <rogerpleski13@gmail.com>
Date: 11/25/2019 12:15 PM
Subject: County Reso 18-195
Cc: Tara Furukawa <Tara.Furukawa@co.maui.hi.us>, Howie Kihune <howie@ainalan...>

Aloha Mr. Pleski,

Thank you for your comments. We have researched this matter and found the following information.

According to the Hawaii Sea Level Rise Viewer, the project area is outside of the 3.2 foot sea level rise exposure area. The project is also outside of the higher 6.0 foot sea level rise exposure area.

The Federal Emergency Management Agency's Flood Insurance Rate Map, the properties are located within Flood Zone X, an area of minimal flooding.

This parcel has a small section of R3 zoning, with the balance being "Open Zone", the request is for R1 which is consistent with the community plan.

In our opinion this parcel is perfect for a workforce housing project, close to where people work.

All other issues will be addressed during design and SMA process.

Thank you

Sandra Duvauchelle
Lehua Builders, Inc.
360 Papa Place, Unit 203
Kahului, Hi 96732
Ofc #669-1122
Cell #870-9860



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Within 500'

Tara Furukawa - County Resolutiuon 18-195

From: Roger Pleski <rogerpleski13@gmail.com>
To: <planning@mauicounty.gov>
Date: 11/21/2019 4:28 PM
Subject: County Resolutiuon 18-195

Aloha Planning Commission,

With all due respect, the parcel of land that the above resolution mentions is open and should be left open for future sea level rise, and the eventual relocation of South Kihei Road, sewer systems, and other utilities. This is NOT the right parcel for a change of zoning to higher density.

Environmentally, stormwater runoff is terrible in this area after heavy rains, and paving this land over with more hardscape, will create more runoff and degradation of our fragile coral ecosystem. Keawakapu Beach is one of the world's most beautiful beaches. Have you seen it after a heavy rainfall? What will happen when the ocean rises? Just look to west Maui for examples of sea level rise and shoreline erosion. Let's not make the same mistakes again!

Affordable housing is critical, but to put people in harm's way in the face of sea level rise is bad decision. In 25-30 years, if Maui County needs the land to move South Kihei Road uphill, what will happen? Will we, the taxpayers, get stuck with an increase to buy all 58 units back and relocate the owners at county expense which inevitably falls on the tax payers? That will be a tough and expensive proposition inherited by the next generation. Today, we should consider, Maui County buying the open land and keeping it open as a sea level rise buffer zone.

The last Kihei-Makena Community Plan that the commission will look to for guidance was updated in 1998. Yes 1998, over 30 years ago. There was no mention of sea level rise in that plan. The commission should not recommend a Change in Zone until an updated Kihei-Makena Community Plan is published later next year. This will be valuable information in determining the best use of that land and I assure you the best use will not be a high density housing project.

Let's do the right thing and search for a better, long term solution to affordable housing in south Maui.

Mahalo for your consideration and I am looking forward to your response.

Warmest Aloha,

Tara Furukawa - TMK: (2) 3-9-004:141 County Reso 18-195

From: Sandra Duvauchelle <sandy@lehuabuilders.com>
To: <purvis.bruce@gmail.com>
Date: 11/25/2019 12:25 PM
Subject: TMK: (2) 3-9-004:141 County Reso 18-195
Cc: Tara Furukawa <Tara.Furukawa@co.maui.hi.us>, Howie Kihune <howie@ainalan...>

Aloha Mr. Purvis:

Thank you for your email.

According to the Hawaii Sea Level Rise Viewer, the project area is outside of the 3.2 foot sea level rise exposure area. The project is also outside of the higher 6.0 foot sea level rise exposure area.

The Federal Emergency Management Agency's Flood Insurance Rate Map, the properties are located within Flood Zone X, an area of minimal flooding.

This parcel has a small section of R3 zoning, with the balance being "Open Zone", the request is for R1 which is consistent with the community plan.

Because the project area will be subject to damages from a tsunami event, the Applicants will initiate discussions with the Maui Emergency Management Agency as soon as possible and have procedures prepared as part of the discussion of the final design and site plans. No adverse impact to the existing floor or tsunami conditions are anticipated in connection with the proposed zoning change.

Our conceptual design is showing 28 single family homes.

All other issues will be addressed during the design and SMA Process.

Sandra Duvauchelle
Lehua Builders, Inc.
360 Papa Place, Unit 203
Kahului, HI 96732
Ofc #669-1122
Cell #870-9860



within 001

Tara Furukawa - TMK: (2) 3-9-004:141 Re-zoning

From: Bruce Purvis <purvis.bruce@gmail.com>
To: <planning@mauicounty.gov>
Date: 11/22/2019 9:14 AM
Subject: TMK: (2) 3-9-004:141 Re-zoning

Aloha -

We live at 42 Ponana St, just yards away from this strip of land, on which there is a proposal for affordable housing, anywhere from 28 to 56 units.

First of all, we are very much in favor of increasing the construction of financially available affordable housing here on Maui. The key, however, is where to put that housing.

We are familiar with the mentality of NIMBY ("not in my back yard"), but truly, we can "divorce" ourselves from any perceived or potential bias resulting from living so close to a proposed affordable housing site.

That said, it just does not make sense to build more homes, affordable or otherwise, in a flood- and/or tsunami-prone area. That can be said even if you were to take the stance that climate change will not affect sea level in Kihei. And, if climate change does, in fact, change sea levels in Kihei, what happens then to these new homes. (That's even a concern for our own homes on Ponana Street!)

In addition to the water issue, there's the ongoing concern over infrastructure on Maui with increased hotels, increased homes, increased rental properties. What if Kihei Road needs to be widened? If the State/County needs to buy back land in the future, buying back residential land is going to be far more costly than buying back commercial property.

And even if Kihei Road never needs to be widened, there's the concern over traffic, both pedestrian and motor vehicle. Just a matter of a few months ago, a Ponana Street resident was hit by a car directly in front of this strip of land (and police/ambulance were on the scene). He was in the crosswalk, coming from the Mana Kai Maui/Kihei Surfside driveway, walking toward Ponana Street, when he was struck by a car. Traffic is already bad in this area, and it is predictable that it will worsen when you add 28 to 56 more residential dwellings along this short, narrow strip of land. Affordable housing would include, no doubt, small children. If adults are being hit by cars on South Kihei Road, how are children going to fare any better?

Please do not let this strip of land be re-zoned for the proposed affordable housing.

Thank you,
Bruce J. Purvis, M.D.
Randy L. Hoehns
42 Ponana Street
Kihei

Just outside B 5001

To: Maui Planning Council

Fr: Eric & Renee Romerdahl

Date: November 22, 2019

Subject: Rezoning of Parcel 390041410000 6.943 acres from Open Space to R-3

(Aina Lani Pacific LLC developer)

We want to testify against the proposed action to rezone said property to allow a work force housing project to be built on currently zoned open space land. We support the work force housing program in general, but object to it being placed on land within the Flood Zone X and Extreme Tsunami Evacuation Zone. The Work Force Housing should be built on higher ground, outside of the flood zone. The subject property is filled with deep sand, which indicates a long history of ocean encroachment.

My wife and I have lived on Maui for 20 years and have resided part of that time on three streets adjacent to the subject property: Ahekolu Street, Hoolapa Street, and Hokai Place. We rented a house located at 70 Hokai Place, which is in the same designated flood zone as the subject property. We were unable to obtain renter's insurance as insurers would not cover our personal contents in a flood zone. Why would the County want to place 28 ohana rental units in a flood zone? Poor planning!

Our Kilohana residential neighborhood currently has just two undeveloped parcels of land, (1) the subject property 6.943 acres and, (2) at 300 Kilohana Drive, parcel #390380280000, 13.248 acres, adjacent to the Piilani Highway. There also is an underdeveloped lot owned by the county, 5.752 acres, parcel #390380260000, which has the Wailea Fire Station on it. Of the three properties, only one is designated as open space and in a flood zone, the subject property. Has the County reviewed putting the Work Force Housing on either of the other two properties? The subject property is much more suited for development as future park land when needed.

If, unfortunately, the property were to be rezoned from open space to residential by the County, we request that the project developer be required pay to upgrade Wela Street, a private road on the subject property. These improvements need to include storm drainage, widening to add parallel parking on each side, striped center, sidewalks along the project border and to be finally connected to the other public road, Kilohana Drive. The existing Wela Street dead ends at Hoolapa (a block away from Kilohana), has no drainage, no sidewalks, and is too narrow to allow for parking and increased traffic. Access to Kilohana Drive would allow the new residents and other neighbors to exit the development without impacting South Kihei Road, a known area of traffic congestion. The County already designated the corridor for the planned Wela/Kilohana street connection when the property was originally platted, but the developer has not included paying for it in his development proposal (Exhibits #4 & #6). The developer should be paying the costs associated with connecting the new development to public roads. As a street corridor for multiple developments, Wela Street really should be upgraded by the developer and deeded to the county as a public road.

While currently undeveloped, the subject property has been used for casual beach parking for years and it also has two walking paths for beach access across from Ahekololo and Hoolapa. The County required the original developer of the Hoolapa Street to clear brush from the subject property to maintain the beach path. The three existing beach parking lots for Keawakapu Beach are frequently filled and people park on Kilohana Drive and anywhere else they can find. As the subject property is across the street from the public beach access, it would be ideal for future development by the County as a park and additional parking. If the County does rezone the property from open space to residential, the developer should be required to provide a beach parking lot, similar to what the adjacent Wailea Kai subdivision has provided, .75 acre lot, parcel #210210010000 (this development is across Kilohana Drive from the subject property, also along South Kihei Road). Also, the developer should be required to allow access across the property by neighborhood foot traffic at both Ahekololo and Hoolapa Streets. The developers' current proposal blocks all local foot traffic and provides no beach parking.

We also noted in the developer's proposal that the structures are to be limited to 35 feet in height (page 12 of the docket). The uphill neighborhoods were built with a restriction of 30 feet. We request that any development on the subject property also be limited to 30 feet from the original grade, so that is consistent with the existing neighborhood.

There are additional concerns regarding onsite parking for the 56 proposed units (28 houses plus 28 ohana's). The residential areas bordering Kauhale Street, a public road, a half a mile uphill from the subject property, have a few ohana's (none of the directly adjacent subdivisions to the subject property have ohana's). The Kauhale area has experienced a lot of street parking problems due to insufficient parking on the home sites. The lots there generally range from 7,500 to 8,500 square feet. The proposed development is for only 6,000 square foot lots, or 20% to 30% smaller! The developer does not include details in his proposals of where all the cars will park. The average Maui family has multiple vehicles. The adjacent areas of South Kihei Road and other adjacent private roads do not allow street parking. Kauhale Street can not handle any more cars. The developer appears to be trying to fit too many units in too small of a space. Proper planning can avoid future problems!

Thank you for your consideration,

(Signed)

Eric & Renee Romerdahl

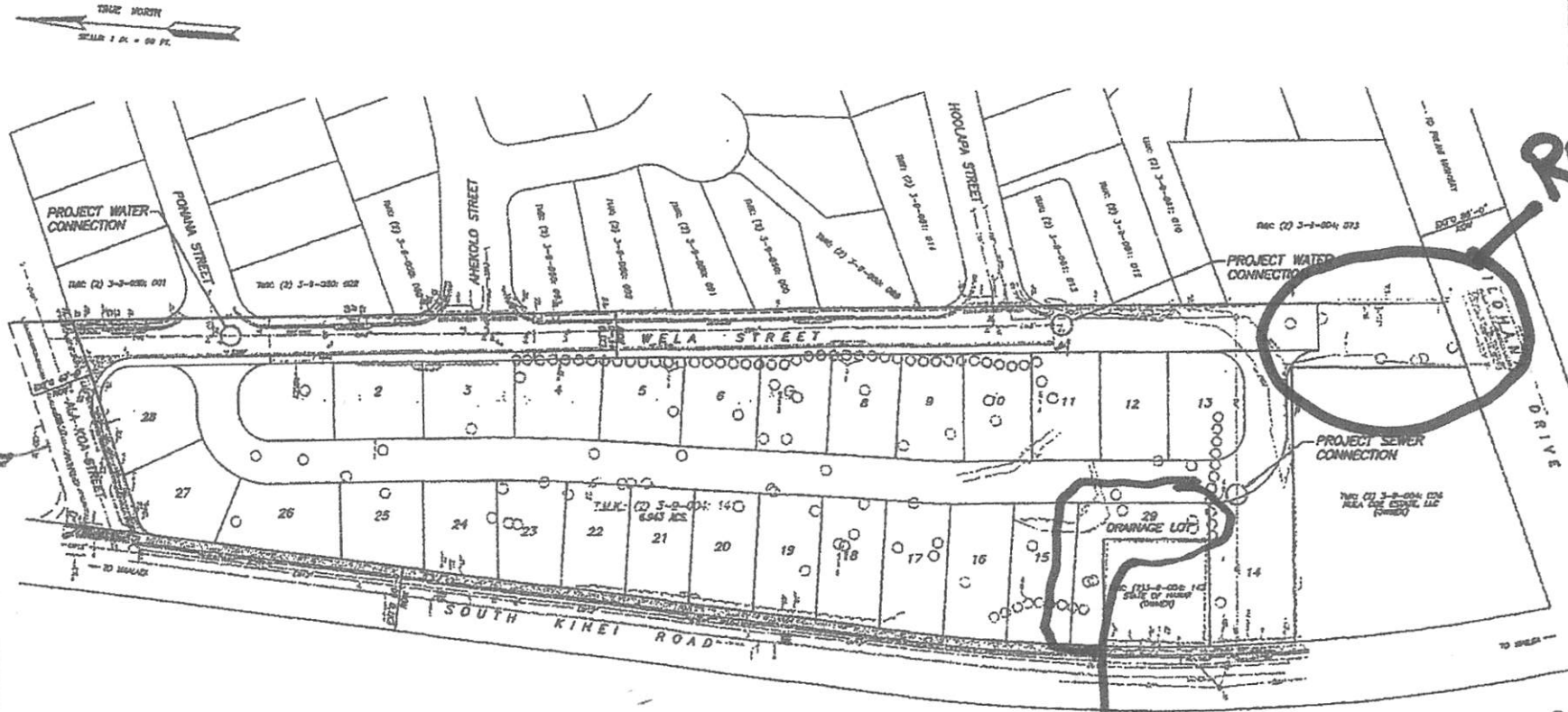
104 Hoolapa Street

Kihei, HI 96753

KILOHANA MAKAI TRAFFIC ASSESSMENT

Austin Tsutsumi
ASSOCIATES, INC.
Engineers & Surveyors

EXHIBIT 4



Roads Not Connected

Substandard drainage for Wela and dev.

PROJECT SITE PLAN

Within 500'

Tara Furukawa - Testimony for Maui Planning Commission

From: "Scott Shapiro" <shapmaui@aol.com>
To: <planning@mauicounty.gov>, "planning" <planning@co.maui.hi.us>
Date: 11/21/2019 5:53 PM
Subject: Testimony for Maui Planning Commission
Attachments: Testimony for Council initiated CIZ parcel 2-3-009-004-141.docx

Please see attached testimony for next planning commission meeting.

Mahalo,

Scott Shapiro

Testimony 11/26/2019 Scott Shapiro, on behalf of myself.

Paul Brewbaker- Hawaii Economist Sept 5, 2019 Maui presentation titled, "Overtourism meets sea rise."

QUOTE "It's time to stop letting people build houses on the shoreline," "We have to make a pathway for people to redeploy . . . move the coastline road mauka and build sewer systems."

<https://www.mauinews.com/news/local-news/2019/09/economist-suggests-rethink-managing-overtourism-woes/>

Based on the General Plan, The Countywide Policy Plan, The Maui Island Plan, and the Kihei-Makena Community plan, and subsequent recommendations regarding sea level rise, I am against any rezoning of this property due to expected and unexpected sea level rise and the following factors:

1. **Future Sea Level rise will penetrate Maui county infrastructure** underneath South Kihei road placing it in jeopardy, and will put future homeowners in harm's way with flooding, cost of flood insurance, and eventually eminent domain repossession due to the need of Maui County to relocate South Kihei Rd. further away from the shoreline.
2. **The "UH sea level rise viewer" shows South Kihei Rd at Kilohana Dr and going north, to be at the vegetation line with 1 meter (3.2 ft) of sea level rise. South Kihei Road will need to be relocated mauka, and the only available land is this parcel, and two others adjacent to it that create a contiguous sea level rise buffer zone.**
3. **The Kihei Makena Community Plan does not mention sea level rise even once.** The KMCP was last updated in 1998. This date is well before sea level rise was on anyone's radar as a topic for community discussion, let alone planning. The KMCP has this parcel delineated as Residential. Future updates to KMCP would likely not be recommended this parcel to be Residential with the known evidence of sea level rise probabilities.
4. **This Council-initiated CIZ process does not conform to typical CIZ processes.** Here, no notifications had to be mailed to residents within 500 feet of the property, and this is a real disservice to the community. This circumvents and decreases input from residents. Neighboring residents should have a say in how properties are treated, and this CIZ application bypasses that important process.
5. **This land has been zoned open zone?** There isn't any entry in the Maui County Code that defines or mentions Open Zone. How can you change zone from a zone that doesn't exist, It's possibly not legal, and therefore open to legal challenge.
6. **I believe this land was possibly zoned Open Space.** This was possibly a condition of approvals for the subdivisions mauka of it. I would urge you to look into all conditions of approval for all of these subdivisions before making any decisions. Please check to see where Open Zone is a legally defined zone.

7. **The immediate area needs to be looked and master planned appropriately.** With the decrease in open parking at Keawakapu beach due to the hotel/restaurant taking over almost half of the parking, the proposed development of the KIRC property as an educational facility on state owned land, a proposed development of housing on land south of the Wailea Fire station, and this evident sea level rise, we need a master plan for this area before anything is done to all open lands along this corridor.
8. **Rezoning this parcel without plans is not “ planning”.** Without an approved plan, or here with a very limited bare bones plan is not in my opinion proper “planning”.
9. **There is ambiguity in Maui County Charter 8-8.6 and MCC section 19.510.020 B.** This council initiated CIZ is open to interpretation. I believe the time has passed for this resolution to go to the MPC. The code is unclear and open to legal challenge.
10. **There is no R-3 zone on this parcel.** It is all designated as Open. The inference that some of it is R-3 has never been seen before the current report came from Planning Department to MPC. Another area of ambiguity, and potential challenge.

The Kihei-Makena Community Plan was last updated in 1998. It has ZERO references to sea level rise.

The Countywide Policy Plan was updated in 2010. It has only 5 references to sea level rise.

Page 14, mentions sea level rise three times in one paragraph where it says **“Conservative estimates suggest the sea level may rise up 1m (3.2 feet) by 2100”** and **“Projected sea level rise over the next 20 years will increase at an exponential rate and would impact all coastlines”**, and **“Prudent planning will consider sea level rise as a variable in planning for each island”**.

Page 19 Under Land Use and Development patterns **“In fact, because of sea level rise, it is probable that some of the County’s land will not be accessible in the coming years.”** Page 74 says under policy section G. **“Restrict development in areas that are prone to..... sea-level rise”**.

The Maui Island Plan was last updated in 2012. It has 7 references to Sea Level Rise!

In Chapter 3- Natural Hazards- **Prudent land use planning will consider possible sea-level rise as a variable in the future.**

During the time horizon of the MIP (present – 2030), it will be important to understand how sea-level rise and shoreline changes may affect low-lying areas. Do we understand?

Goal Section 2.2 An intact, ecologically system of reef, shoreline, and nearshore waters that are protected in perpetuity

Objective 2.2.2 Improved reef health, coastal water quality, and marine life

Policies

2.2.2.a Create additional mechanisms where needed to contain and control runoff and pollution

2.2.2.d Require, where appropriate, a buffer between landscaped areas and the shoreline, gulches, and streams, to reduce runoff.

Objective 2.2.3 Water quality that meets or exceeds State Clean Water Act standards

Policies 2.2.3.a Reduce the amount of impervious surface and devise site plan standards that aim to minimize storm water runoff and NPS pollution

2.2.3.d Avoid development actions that impair Maui's reef systems and remove identified stressors

Goal Section 2.3 Healthy Watersheds

Objective 2.3.5 Limit development in critical watershed areas

Policies 2.3.5.a Discourage development and subdivision of land within critical watersheds and in areas susceptible to high erosion and loss.

Goal 3.1 Maui will be disaster resilient

Objective 3.1.2 Greater Protection of life and Property

Policies

3.1.2.a Identify critical infrastructure

3.1.2.b ...discourage new development in areas where possible inundation hazards may exist

3.1.2 Action 9- Update coastal planning requirements to factor in incremental effects of rising sea levels.

The essence of this is to show that now is not the time to recommend a change in zone for this open space property. There are too many unanswered questions, and too many possibilities that could place this property, the county, and its future residents in harm's way.

This image on left shows the arrow at sea level- and elevation designated here as 6 feet at low tide. The image on the right is the edge of proposed parcel and elevation designated at 13 feet . Just a 7 foot difference than the current low tide. What happens when the oceans rise 3 feet? 4 feet? 5 feet? Planning for this is like trying to play pin the tail on the donkey with your eyes blindfolded, and stabbing in the air, hoping to get it right. Only this time you aren't playing a children's game. It's Maui's community and their biggest asset at stake.



out of soon

From: Julie/Fred Thatcher <fjthatcher@me.com>
To: <planning@mauicounty.gov>
Date: 11/21/2019 4:27 PM
Subject: Zone change on Wela Street

I am a concerned homeowner at 66 Hooahale Street. I believe this low lying area should remain a green space to allow flexibility to the county for future sea rise and flood plain.

Thank you,

Fredrick Thatcher

Sent from my iPad

out of scope

Tara Furukawa - Keep Wela Street Open

From: Darrell Wagoner <adew@att.net>
To: <planning@mauicounty.gov>
Date: 11/22/2019 7:42 AM
Subject: Keep Wela Street Open

Good morning,

We are residents of Ahekolo Place. We are concerned about the modification of the zoning ordinance from open land to R-1. There are numerous reasons and many have been discussed prior to this writing and all are valid. I have read the discussions on this matter and concerns about water levels, protecting the precious open spaces etc., but my great concern is with traffic. South Kihei Road and the highway are already overwhelmed with traffic and a new development would just add more travel hours to an already overburdened system that includes the south part of the highway (leading to Wailea and South Kihei), the additional traffic that an increase in population would add would only serve to stress and already overburdened system, not to mention the heavy duty vehicles necessary for construction.

When you consider the additional traffic that the high school and the other apartment/condo complexes (already under construction) will be adding, the frustration of residents and visitors is only going to grow.

When you consider the fact that no plans have even been submitted, we all hope this project will be reconsidered and denied.

Best regards,

Darrell and Lynne Wagoner
160 Ahekolo Place

Tara Furukawa - Testimony Linda Bartholomew re

From: <lindawhittemore@gmail.com>
To: <planning@mauicounty.gov>
Date: 11/21/2019 4:06 PM
Subject: Testimony Linda Bartholomew re

AGENDA ITEM C-2 ZONING CHANGE WELA ST KIHEI

This piece of land is open and should be left open for future sea level rise, and the eventual relocation of South Kihei Road, and sewer systems.

Environmentally, stormwater runoff is terrible right now after heavy rains, and paving this land over, will create more runoff and degradation of our fragile coral ecosystem. Keawakapu Beach is one of the world's most beautiful beaches. Have you ever seen it after a heavy rainfall? What will happen when the ocean rises?

Affordable housing is critical, but to put people in harm's way in the face of sea level rise is bad decision. In 25-30 years, what if Maui County needs the land to move South Kihei Road back? Buy all 58 units?? Kick people out of their homes?? That will be a tough and expensive decision. Today, we should consider Maui County buying the open land and keeping it open as a sea level rise buffer zone.

The last Kihei-Makena Community Plan that the commission will look to for guidance was last updated in 1998. Yes 1998. Not one mention of sea level rise is in that plan. The commission should not recommend a Change in Zone until an updated Kihei-Makena Community Plan is published later next year.

Thankyou
Linda Bartholomew

Tara Furukawa - Re: CIZ Application Wela Street

From: Don & Wendy Wishart <wishart@shaw.ca>
To: Sandra Duvauchelle <sandy@lehuabuilders.com>
Date: 11/18/2019 5:07 PM
Subject: Re: CIZ Application Wela Street
Cc: Tara Furukawa <Tara.Furukawa@co.maui.hi.us>, Howie Kihune <howie@ainalan...>

Dear Ms Duvauchelle,

Thank you for your response.

However, I do remain concerned with respect to:

- the loss of open space reserve which is currently home to a diverse population of birds and trees,
- a lack of suitable parking in such a narrow and congested area and
- the exasserbation of heavy traffic along S Kihei Road

I look forward to the Planning Committee consideration of these and other concerns.

Yours truly

Don Wishart

On Nov 18, 2019, at 2:52 PM, Sandra Duvauchelle <sandy@lehuabuilders.com> wrote:

Aloha Mr. Wishart;

Thank you for your email to the Planning Committee, regarding the Council Initiated Zoning.

To clarify the parcel is currently zoned "open zone" with a portion being R3, the community plan designation is R1 Residential.

According to the Hawaii Sea Level Rise Viewer, the project area is outside of the 3.2 foot sea level rise exposure area. The project area is also outside of the higher 6.0 foot sea level rise exposure area.

As previously mentioned, according to the Federal Emergency Management Agency's Flood Insurance Rate Map, the properties are located within Flood Zone X, an area of minimal flooding.

Because the project area will be subject to damages from a tsunami event, the Applicants will initiate discussions with the Maui Emergency Management Agency as soon as possible and have procedures prepared as part of the discussion of the final design and site plans. No adverse impact to existing flood or tsunami conditions are anticipated in connection with the proposed zoning change.

Our plan is to provide 28 single workforce family homes. All of the other concerns will be addressed in the SMA process.

Thank you....

Sandra Duvauchelle
Lehua Builders, Inc.
360 Papa Place, Unit 203
Kahului, Hi 96732
Ofc #669-1122
Cell #870-9860

