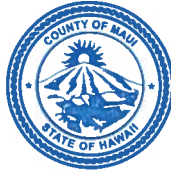


ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



RECEIVED

2017 APR 18 PM 12:55

OFFICE OF THE MAYOR

COUNTY OF MAUI

**DEPARTMENT OF PLANNING**

April 18, 2017

Honorable Alan Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL  
  
Mayor Date 4/20/17

For Transmittal to:

Honorable Mike White, Chair  
and Members of the Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair White and Members:

**SUBJECT: CONDITIONAL PERMIT (CP) APPLICATION TO ALLOW  
BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED  
IN THE R2, RESIDENTIAL ZONING DISTRICT (CP 2015/0009)**

The Department of Planning (Department) is transmitting for your review and action the CP application filed by Kaohu, LLC. A summary of the application is as follows:

| APPLICATION SUMMARY   |  |
|-----------------------|--|
| Application           | Conditional Permit (CP)  |
| Applicant             | Kaohu, LLC   |
| Owner                 | Kaohu, LLC   |
| Tax Map Key           | (2) 3-4-009:036  |
| Address               | 293 Waiale Road, Wailuku, Island of Maui, Hawaii   |
| Area                  | Approximately 3,600 square feet  |
| Land Use Designations | State Urban District<br>Maui Island Plan: Within the Urban Growth Boundary<br>Wailuku-Kahului Community Plan: SF Single-Family<br>Title 19, Zoning: R-2 Residential District<br>Other: Outside Special Management Area (SMA) |

COUNTY COMMUNICATION NO. 17-217

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Chair  
April 18, 2017  
Page 2

| APPLICATION SUMMARY |   |
|---------------------|---|
| Brief Description   | The Applicant proposes the adaptive reuse of an existing 1,280 square foot single-family residential house for his commercial real estate business, Michael Spalding Realty, Inc. The house, which was built in 1951, sits on 3,600 square feet, of land at the corner of Kaohu Street and Waiale Road in Wailuku. The office will be for administrative support, bookkeeping and records storage. There is a foyer, five (5) rooms for offices, a kitchen, bathroom, two (2) car garage and office bath/utility space. There is a third parking space located to the side and rear of the structure. The applicant has a reciprocal access easement for shared use of the driveway that runs through the abutting parcel 8, also owned by the Applicant. |
| Public Hearing      | Held by Maui Planning Commission (Commission) on February 14, 2017 in Wailuku, Maui, Hawaii.  |
| Testimony           | One (1) public testifier appeared at the public hearing in support of the project. One (1) letter was submitted to the Department before the public hearing.  |
| Recommendation      | Recommend approval subject to conditions listed below.  |

The Commission reviewed the subject application at its February 14, 2017 public meeting and recommended approval of the CP (CP 2015/0009) with five (5) conditions to the Maui County Council (Council).

As Council approval is required for the CP, 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 GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CP TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND, LOCATED AT 293 WAIALE ROAD, WAILUKU, MAUI, HAWAII";
2. Department's Recommendation to the Commission, dated February 14, 2017;
3. Department's Report and Agency Comments to the Commission, dated February 14, 2017;
4. Adopted Minutes of the February 14, 2017 Commission meeting; and
5. Letter from Alan Murata, dated February 10, 2017.

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Chair  
April 18, 2017  
Page 3

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, -



WILLIAM SPENCE  
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
Tara K. Furukawa, Staff Planner (PDF)  
Maui Planning Commission Members (PDF)  
Michael Spalding, Kaohu, LLC (PDF)

WRS:TKF:ela

Project File  
General File

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ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2017)

A BILL FOR AN ORDINANCE GRANTING KAOHU LLC, A DOMESTIC LIMITED LIABILITY COMPANY, A CONDITIONAL PERMIT TO ALLOW BUSINESS/OFFICE USE IN A RESIDENTIAL HOME LOCATED IN THE R-2, RESIDENTIAL ZONING DISTRICT ON APPROXIMATELY 3,600 SQUARE FEET OF LAND LOCATED AT 293 WAIALE ROAD, WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, and subject to the conditions imposed in Section 2 of this ordinance, a Conditional Permit is hereby granted to Kaohu LLC, a Domestic Limited Liability Company, to allow business/office use in a residential home located in the R-2, Residential Zoning District. The site is identified for real property tax purposes as tax map key (2) 3-4-009:036, comprising approximately 3,600 square feet of land situated at Wailuku, Maui, Hawaii.

SECTION 2. The granting of this Conditional Permit is subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of ten (10) years from the effective date of this ordinance; provided, that an extension of this permit beyond this ten (10) year period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.
3. That Kaohu LLC and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all

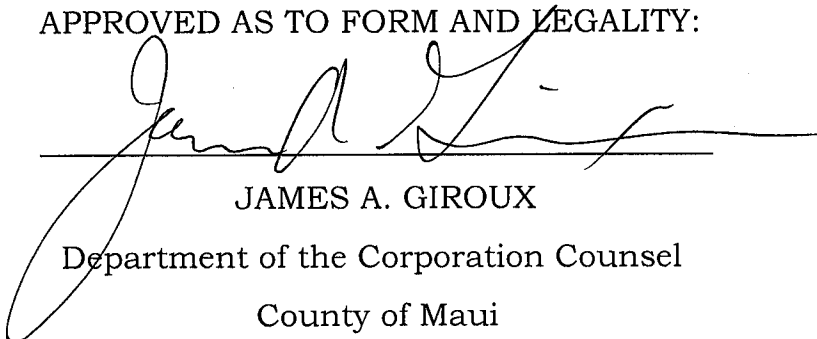


areas affected by subject Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Kaohu LLC and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Kaohu LLC of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.

4. That Kaohu LLC shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
5. That full compliance with all applicable governmental requirements shall be rendered.

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

APPROVED AS TO FORM AND LEGALITY:



A handwritten signature in black ink, appearing to read 'James A. Giroux', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long horizontal stroke at the end.

JAMES A. GIROUX

Department of the Corporation Counsel

County of Maui

2017-0455

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of

KAOHU LLC

To Obtain a Conditional Permit to Allow  
Business/Office Use in a Residential Home  
Located in the R-2, Residential Zoning District  
on approximately 3,600 square feet of land  
located at 293 Waiale Road, Tax Map Key No.  
(2) 3-4-009:036, Wailuku, Maui, Hawaii.

DOCKET NOS.: CP 2015/0009

KAOHU LLC  
(T. Furukawa)

MAUI COUNTY DEPARTMENT PLANNING'S RECOMMENDATION  
TO THE MAUI PLANNING COMMISSION  
February 14, 2017 MEETING

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

Conditional Permit, State Special Use Permit

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of

KAOHU LLC

To Obtain a Conditional Permit to Allow Business/Office Use in a Residential Home Located in the R-2, Residential Zoning District on approximately 3,600 square feet of land located at 293 Waiale Road, Tax Map Key No. (2) 3-4-009:036, Wailuku, Maui, Hawaii.

DOCKET NOS.: CP 2015/0009

KAOHU LLC  
(T. Furukawa)

**CONCLUSIONS OF LAW**

**Conditional Permit**

The application complies with the applicable standards for a Conditional Permit as established in the Planning Department's Report to the Maui Planning Commission, February 14, 2017, Docket No. CP 2015/0009 as follows:

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code, 1980, as amended. The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the Applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.



The Planning Department finds that the proposed use meets the criteria for issuance of a Conditional Permit. The use will be in harmony with the area, where structure is located. Further, the proposed use is not detrimental to the public interest, convenience, and its welfare.

### **RECOMMENDATION**

#### **Conditional Permit**

Maui County Planning Department recommends that the Maui Planning Commission recommend approval of the Conditional Permit to the Maui County Council, subject to the following conditions:

1. That the Conditional Permit shall be valid for a period of five (5) years from the effective date of this ordinance; provided, that an extension of this permit beyond this five (5) year period may be granted pursuant to Section 19.40.090, Maui County Code.
2. That the Conditional Permit shall be nontransferable unless approved by the Planning Director or Maui Planning Commission.
3. That Kaohu LLC and its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at his/her/their own cost and expense, and shall maintain during the entire period of this Conditional Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) naming the County of Maui as an additional insured, insuring and defending Kaohu LLC and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this Conditional Permit, including, but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Kaohu LLC of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this Conditional Permit. A copy of the certificate of insurance naming County of Maui as an additional insured shall be submitted to the Department of Planning within ninety (90) calendar days from the date of approval of this Conditional Permit. The proof of insurance and all subsequent certifications of insurance coverage shall be submitted directly by the insurance carrier to the Department and shall include the applicable TMK and permit numbers.
4. That Kaohu LLC shall develop the property in substantial compliance with the representations made to the Maui County Council in obtaining the Conditional Permit. Failure to so develop the property may result in the revocation of the Conditional Permit pursuant to Section 19.40.080, Maui County Code.
5. That full compliance with all applicable governmental requirements shall be rendered.

The Conditional Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, §19.530.030 of the Maui County Code, as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the Maui County Code*.



In consideration of the forgoing, the Maui County Planning Department recommends to the Planning Commission that it recommend approval of the Conditional Permit to the Maui County Council. Further, that the Commission authorize the Planning Director to transmit said recommendations and record to the Maui County Council for further action.

APPROVED:

A handwritten signature in dark ink, appearing to read "William Spence", written over a horizontal line.

WILLIAM SPENCE  
Planning Director

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of

KAOHU LLC

To Obtain a Conditional Permit to Allow  
Business/Office Use in a Residential Home  
Located in the R-2, Residential Zoning District  
on approximately 3,600 square feet of land  
located at 293 Waiale Road, Tax Map Key No.  
(2) 3-4-009:036, Wailuku, Maui, Hawaii

DOCKET NO.  
CP 2015/0009

KAOHU LLC  
(T. Furukawa)

MAUI COUNTY DEPARTMENT OF PLANNING'S REPORT  
TO THE MAUI PLANNING COMMISSION  
FEBRUARY 14, 2017 MEETING

DEPARTMENT OF PLANNING  
COUNTY OF MAUI  
2200 MAIN STREET, SUITE 619  
WAILUKU, MAUI, HI. 96793

Conditional Permit

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BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of

KAOHU LLC

To Obtain a Conditional Permit to Allow  
Business/Office Use in a Residential Home  
Located in the R-2, Residential Zoning District  
on approximately 3,600 square feet of land  
located at 293 Waiale Road, Tax Map Key No.  
(2) 3-4-009:036, Wailuku, Maui, Hawaii

DOCKET NO.  
CP 20150009

KAOHU LLC  
(T. Furukawa)

**DESCRIPTION OF THE PROJECT**

This matter arises from an application for a Conditional Permit (CP) filed on October 26, 2015, by Michael Spalding of Kaohu, LLC ("Applicant"). The applicant is proposing an adaptive reuse of an existing 1,280 square foot single-family residential house for his commercial real estate business, Michael Spalding Realty, Inc. Michael Spalding Realty, Inc. is a family-owned and operated commercial real estate sales, lease and property management company. The business has been in operation since 1979. There are two (2) full-time and three (3) part-time employees. Spalding's wife and two (2) daughters work for the business. The proposed office space will be used for administrative support, bookkeeping and records storage.

The house, which was built in 1951, sits on 3,600 square feet of land, at the corner of Kaohu Street and Waiale Road in Wailuku, Maui, Hawaii ("Project Site"). The property is owned by Kaohu, LLC and can be identified by Tax Map Key (2) 3-4-009:036. See **Exhibit 1** for regional location map, **Exhibit 2** for aerial map, **Exhibit 3** for Site Plan and **Exhibit 4** for Floor Plan, showing the proposed real estate office and parking lot. The proposed real estate office consists of a foyer, five (5) rooms for office space, a kitchen, bathroom, two-car garage and office bath/utility space. A third parking space is located to the side and rear of the structure. Parking is accessible via a driveway off of Kaohu Street. The applicant, who also owns the abutting parcel 8 has a reciprocal access easement for shared use of the driveway. Inside of the parking lot, there are two (2) large mango trees that provide ground cover. The front lawn, which is set off of Waiale Road, is grassed and the property is set back away from the roadway by a barbed wire fence and landscaping consisting of ti leaf, croton plants, a lime tree, puakenikeni a jabong tree and Surinam cherry bush.

Reason for a Conditional Permit. Per Maui County Code 19.040, "The intent of the conditional permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which as some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location." In this case, the applicant is seeking to operate a real estate business out of an existing single-family home on land that is designated SF Single-Family, per the Wailuku-Kahului

Community Plan and R-2 Residential per Maui County zoning. Thus, a Conditional Permit is appropriate.

### **Description of the Property**

1. Michael Spalding of Michael Spalding Realty, Inc. is proposing the reuse of an existing 1,280 square foot house and paved parking lot on an approximately 3,600 square foot lot, located at 293 Waiale Road, at the corner of Kaohu Street and Waiale Road. The property is owned by Kaohu LLC and can be identified by TMK (2) 3-4-009:036.
2. Land Use Designations -
  - a. State Land Use District - Urban
  - b. Wailuku-Kahului Community Plan - Single Family
  - c. County Zoning - R-2 Residential
  - d. Maui Island Plan - Subject parcel is within the Urban Growth Boundary
  - e. Other - Outside Special Management Area
3. Surrounding Uses –

|         |                     |
|---------|---------------------|
| North - | Residential         |
| South – | Public/Quasi-Public |
| East –  | Residential         |
| West -  | Commercial          |
4. The subject parcel has a slight slope of two (2) feet below the existing grade from the parking lot close to the intersection of Waiale Road and Kaohu Street to four (4) feet below the existing grade from the road to the parking lot. Site photographs are included as **Exhibit 5**.

### **APPLICABLE REGULATIONS**

#### **CONDITIONAL PERMIT**

A Conditional Permit is reviewed pursuant to Title 19, Zoning, Chapter 19.40 Conditional Permits; Maui County Code, 1980, as amended. The intent of the Conditional Permit is to provide the opportunity to consider establishing uses not specifically permitted within a given use zone where the proposed use is similar, related or compatible to those permitted uses and which has some special impact or uniqueness such that its effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Upon finding that reasons justifying granting of a Conditional Permit exist, and that the proposed use would not be significantly detrimental to the public interest, convenience and welfare, and will be in harmony with the area in which it is to be located; issuance of a Conditional Permit



may be recommended, subject to such terms and conditions and for such period of time as the facts may warrant.

Should the Commission determine that the permit requested is for a use which is substantially different from those uses permitted in the use zone, the Commission shall recommend denial of the request and may instruct the applicant to seek a change in zoning should the facts warrant such an application.

Every Conditional Permit shall be conditioned upon the proposed development fully complying with all requirements of Title 19 and other applicable governmental requirements.

### **PROCEDURAL MATTERS**

- On October 26, 2015, the Maui County Planning Department received an application and fee payment from the Applicant for a Conditional Permit.
- On December 20, 2016, the Maui County Planning Department mailed a notice to the Applicant and appropriate State and County agencies notifying them of the scheduled public hearing on the application for February 14, 2017.
- On December 28, 2016, the Applicant mailed a letter of notification and location map to all owners and recorded lessees located within 500 feet of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners, certified and registered mail receipts are on file at the Maui County Planning Department.
- On January 13, 2017, a notice of hearing on the application was published in the Maui News by the Maui County Planning Department.
- The subject action does not involve an action that triggers compliance to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements.
- The Maui Planning Commission shall transmit findings, conclusions and recommendations for the Conditional Permit to the County Council.

### **REVIEWING AGENCIES**

| <b>County Agencies:</b>                            | <b>Comment</b> | <b>Exhibit #</b> |
|--|----------------|------------------|
| Department of Water Supply                         | No Comment     | <b>6</b>         |
| Department of Fire and Public Safety               | No Comment     | <b>7</b>         |
| Police Department                                  | No Comment     | <b>8</b>         |
| Department of Public Works                         | Yes            | <b>9</b>         |
| Department of Environmental Management-Wastewater  | Yes            | <b>10</b>        |
| Department of Environmental Management-Solid Waste | No Comment     | <b>11</b>        |
| Department of Finance – Real Property Division     | No Comment     |                  |

| <b>State Agencies:</b> | <b>Comment</b> | <b>Exhibit #</b> |
|------------------------|----------------|------------------|
|------------------------|----------------|------------------|

|                                      |     |    |
|--------------------------------------|-----|----|
| Department of Health-Maui District   | Yes | 12 |
| State Historic Preservation Division | Yes | 13 |

| Other Agencies:       | Comment    | Exhibit # |
|-----------------------|------------|-----------|
| Hawaiian Telcom       | No Comment |           |
| Maui Electric Company | No Comment |           |

## ANALYSIS

### LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. The proposed reuse of the existing house will provide office space for Michael Spalding, and up to four (4) office employees. The proposed realty office will contribute to economic growth.

2. 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 site under review was accorded Rural Growth Boundary status in the recently approved Maui Island Plan. The Rural Growth Boundary designation lends support to the Applicant's request as the property still maintains agricultural use. The Countywide Policy 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 project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. Support economic decisions that create long-term benefits.
- d. Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.
- f. Encourage work environments that are safe, rewarding, and fulfilling to employees.
- i. Support public and private entities that assist entrepreneurs in establishing locally operated businesses.

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

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

Objective: Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

- c. Protect and enhance the unique architectural and landscape characteristics of each Community Plan Area, small town, and neighborhood.
  - k. Support small-town revitalization and preservation.
3. The Maui Island Plan (MIP) was adopted by the County Council on December 28, 2012. The Plan provides direction for future growth, the economy, and social and environmental decisions through the year 2030. The Plan looks comprehensively at many factors that influence the physical, social and economic development of the island. In addition to establishing a directed growth strategy to identify areas appropriate for future urbanization and revitalization, the Plan also identifies and addresses key environmental, housing, and economic development issues relevant to Maui's current and future generations. The Plan is intended by the County Council, Planning Department, and Maui Planning Commission as a policy foundation for day to day decisions and is specifically intended to be used to assist in reviewing discretionary permits.

The subject parcel is located within the Urban Growth Boundary of the Wailuku-Kahului region and the proposed adaptive reuse is in keeping with the following MIP goals, objective, and policies:

*Economic development*

*Goal: 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.*

*Objective: 4.1.1 A more diversified economy.*

*Policy: 4.1.1.b Support the creation of new jobs and industries that provide a living wage.*

*Objective: 4.1.3 Improve the island's business climate.*

*Policy: 4.1.3.c Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.*

*4.1.3.d Encourage, nurture, and reward entrepreneurship and innovation.*

*Goal: 4.5 Small businesses will play a key role in Maui's economy.*

*Objective: 4.5.1 Increase the number of and revenue generated by small businesses and decrease the percentage of small business failures.*

- Policy: 4.5.1.a Provide incentives and support for small businesses and entrepreneurs that incorporate sustainable technologies and practices into their operations, utilize local materials, or produce and sell locally-made goods or services.*
- 4.5.1.b Assist traditional “mom and pop” business establishments.*
- 4.5.1.c Reduce barriers to small business development.*

## **Land Use**

**Goal:** 7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

**Objective:** 7.3.3 Strengthen the island’s sense of place.

**Policy:** 7.3.3.a Protect and enhance the unique architectural and landscape characteristics of each community.

7.3.3.d Strongly encourage the preservation of buildings, structures, and sites of historic significance.

4. According to the Wailuku-Kahului Community Plan, the property is identified as SF, Single-Family and is consistent with the land use map of the Community Plan. The proposed action is consistent with the following Community Plan recommendations:

### **Economic Activity**

**Goal:** A stable and viable economy that provides opportunities for growth and diversification to meet long-term community and regional needs and in a manner that promotes agricultural activity and preserves agricultural lands and open space resources.

### **Objectives and Policies**

5. Recognize the importance of small businesses to the region’s economy.

### **Land Use**

**Goal:** An attractive, well-planned community with a mixture of compatible land uses in appropriate areas to accommodate the future needs of residents and visitors in a manner that provides of the social and economic well-being of residents and the preservation and enhancement of the region’s environmental resources and traditional towns and villages.

### **Objectives and Policies**

13. Within the Wailuku Town core, formulate and implement flexible land use guidance policies that enhance the various activity centers and maintain the traditional character of the town.

c. Commercial and residential: The following comprise the commercial core, commercial areas, and surrounding residential uses.

4) Service Business/Single Family Residential: These uses occur primarily along the Waihee side of Kaohu Street, and along the mauka side of South Market Street to permit a mixture of single family and duplex dwellings, with small-scale service and neighborhood oriented businesses which are established in previously utilized residential dwellings or other existing structures. The business use should be compatible with the physical character of the residential neighborhood.

### **Urban Design**

Goal: An attractive and functionally integrated urban environment that enhances neighborhood character, promotes quality design, defines a unified landscape planting and beautification theme along major public roads and highways, watercourses and at major public facilities, and recognizes the historic importance and traditions of the region.

### Objectives and Policies for Wailuku Town

1. Maintain the existing character of historic Wailuku Town.
5. According to County Zoning maps, the property is zoned as R-2, Residential. The proposed adaptive reuse of the existing single-family residential house as a realty office does not qualify as a permitted or special use within the County's Residential Zoning District, as provided in Chapter 19.08 of the Maui County Code. Therefore, a Conditional Permit is required.
6. The subject property is not located within the Special Management Area and therefore, the requirements of Chapter 205A, Hawaii Revised Statutes (HRS) are inapplicable.

### **AGRICULTURE**

The proposed project is not located on land zoned agricultural.

### **ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES**

The proposed project site has already been developed and in residential use since the 1950s, when the house was constructed. The proposed project involves adaptive reuse; hence, there will be no development. While the building is more than 50 years old, there will be no impact to the character-defining features of the building. As a result, the Department of Land and Natural Resources State Historic Preservation Division determined that no historic properties will be affected. See **Exhibit 13**.

### **Existing Services & Impacts to Services**

1. **Water** – The subject property is serviced by the Central Maui Water System and has a 5/8 inch water meter. There is a fire hydrant nearby at 185 Waiale Road. Also, there is a fire hydrant between the entrance for the County baseyard on Kaohu Street and the entrance to the office next to Kaohu Store. In addition, there is a fire hydrant on Waiale Road at the

south corner of the Church of the Living God. Because the proposed project involves adaptive reuse only, there will be no change and/or adverse impact to existing service. Actual consumption may be reduced because many of the normal uses within a home will be limited and/or eliminated, such as bathing and laundry. The County of Maui Department of Water Supply did not have any comments on the proposed project. See **Exhibit 6**.

2. **Sewers** – The existing house is serviced by the County of Maui wastewater system, which currently, has the capacity to serve the proposed office. The proposed adaptive reuse will result in a total of five (5) employees being present onsite, as well as a few clients at any given time. There may be slightly greater demand for service; however, there should be no adverse impact to existing service. The State of Hawaii Department of Health did not have any comments on the proposed project. See **Exhibit 7**. The County of Maui Department of Environmental Management commented that wastewater capacity cannot be ensured until the issuance of a building permit for which wastewater contribution calculations will be required. See **Exhibit 10**. The applicant shall pay assessment fees for treatment plant expansion costs. Plans should show the existing single service lateral and property sewer service manhole near the property line. If a manhole does not exist, one will need to be installed. Also, non-contact cooling water and condensate should not drain to the wastewater system.

### 3. **Topography, Flood and Drainage**

**Existing Soils** – The proposed adaptive reuse house and parking lot site consists of loam clay with 3 to 7 percent slope, according to the United States Department of Agriculture, Natural Resources Conservation Service website. The soil has medium runoff and moderate erosion hazard, meaning some erosion is likely. Because no development is being proposed, there should be no adverse impact to existing soil conditions.

**Flood** --The subject property is located within Flood Zone "AO," an area of 100-year shallow flooding, with an average depth of up to three (3) feet. Because the proposed use does not involve any construction, there is no need for the applicant to seek a flood permit.

**Tsunami** – The property does not lie within the Tsunami Evacuation Zone, as per the Maui County of Maui Civil Defense Kahului map. Hence, there should be no adverse impact associated with the proposed action.

**Drainage** --The subject property has a slope that ranges from approximately two (2) feet below existing grade, close to the intersection of Waiale Road and Kaohu Street, to four (4) feet below existing grade from the road to the parking lot. Runoff generally flows south to north toward a French grated inlet located in the northern portion of the parking lot, to the rear of the house that is sufficient to handle existing runoff. Given the nature of the proposed adaptive reuse, no adverse impact is anticipated. The County of Maui Department of Public Works did not have any comments regarding drainage. See **Exhibit 9**.

### 4. **Roadways**

Access to the proposed project site is via a driveway off of Kaohu Street, a two-way, two-lane County Road that extends from South High Street, which becomes Honoapillani Highway, to Waiale Road. As previously mentioned, there is a shared driveway through

Parcel 8 that serves the adjacent business, as well as the proposed real estate office. The applicant owns both properties, and there is a reciprocal access easement for the real estate office use of the driveway.

Kaohu Street runs perpendicular to Waiale Road, a two-way, two-lane County roadway, which borders the proposed reuse site to the east of the property. The roadway extends in a north-south orientation.

There will be minimal traffic impact associated with the proposed reuse project, according to a Traffic Impact Assessment Report (TIAR), prepared by Phillip Rowell and Associates. See **Exhibit 14**. Three (3) lane groups of traffic concern were analyzed: the intersection of Waiale Road at Kaohu Street, Waiale Road at the connector and Oluloa Drive at the connector. There will be no change to level-of-service to any lane group, as a result of the proposed project. Based on the level-of-service analysis, no mitigation is recommended. The Department of Public Works questioned the level-of service used; however, it should be noted that the traffic engineer noted the error and revised his report to reflect the correct title. The revised report is included as **Exhibit 9**.

A parking analysis was conducted for the proposed parking lot and related improvements. The amount of stalls required is 3.36, as required per Maui County Code 19.36A.010, and the applicant is providing three (3) stalls.

5. **Electrical and Telephone** – There is a large electric pole located on Waiale Road that supplies electrical and telephone service to the proposed realty office. Electrical service is provided via Maui Electric Company. Telephone service is Through Hawaiian Telcom. No impacts to these services are expected from the proposed use.
6. **Parks** – Wells Park is located at the corner of Wells Street and South Market Street, less than one (1) mile of the project site. This park has ADA accessibility, tennis courts, pools, football and softball fields, picnic areas, restrooms and parking. The War Memorial Complex, also located less than a mile of the project site and is also ADA accessible. The park consists of pools, baseball/softball fields, tennis courts, a stadium, soccer fields, restrooms and parking. Keopuolani Regional Park is also located less than one (1) mile away. The park consists of an amphitheater, baseball/softball fields, picnic areas, playground, soccer fields, restrooms and parking. No impacts to parks are expected from the proposed use.
7. **Schools** -- The Wailuku area is served by Wailuku Elementary, Waihee School and Pu'u Kukui (Elementary), Iao School (Intermediate) and Baldwin High School. There should be no impacts to these schools, as a result of the proposed use.
8. **Solid Waste** – Solid waste is currently handled by residential pickup provided by Maui County. The proposed reuse should not produce significant additional solid waste above and beyond that produced by a residential use. The nearest landfill site is the Central Maui Sanitary Landfill in Puunene. It is not expected that the proposed use will have a significant impact on solid waste facilities. The County of Maui Department of Environmental Management did not have any comments on the proposed project. See **Exhibit 11**.
9. **Public Services** –



Fire. The nearest fire station is the Wailuku Fire Department, located approximately 0.2 miles away at 21 Kinipopo Street in Wailuku. Because of the close proximity, response times to the immediate area are excellent. The next nearest station located in Kahului on Dairy Road, approximately 2.7 miles from the project site. Given the proposed project scope, there will be no adverse impact to existing service to the area. The County of Maui Department of Fire & Public Safety did not have any comments regarding the proposed project; however, they reserve the right to provide comments during the Certificate of Occupancy process. See **Exhibit 7**. It should be noted that the Department of Public Works is requiring that the applicant seek a Certificate of Occupancy, should the CP be granted. See **Exhibit 9**.

Police. The closest Maui Police Department is the Wailuku Police Station located at 55 Mahalani Road, approximately 0.6 miles from the Property. There should be no adverse impact to police service, as a result of the proposed project. The County of Maui Police Department did not have any comments. See **Exhibit 8**.

Medical. The nearest hospital is the Maui Memorial Medical Center located at 221 Mahalani Street in Wailuku, approximately 0.5 miles away from the property. The facility provides acute, general, and emergency care services from its 231 bed facility.

Public Transportation. There is currently no bus route at the project site. The closest public bus stop would be located at the State Office Building, approximately 0.3 miles from the Property. The other nearest bus stop is at the hospital, approximately 0.5 miles away from the property.

Library. The nearest public library is the Maui Public Library located in Wailuku on High Street. Another public library is the Kahului Public Library located on School Street.

Reuse of the existing residential building for office use is not expected to significantly increase the need for the aforementioned public services.

## **HISTORY OF SITE & APPLICATION**

The subject property has been in residential use since 1951 when the existing residence was constructed. The real property tax website shows that the home was built in 1951 of redwood/cedar frame construction with four (4) bedrooms and two (2) bathrooms.

The Application was submitted on October 26, 2015. On November 9, 2015, the Department sent the applicant a letter in request of additional information, including documentation on ownership, company formation, a map that identifies landowners within a 500 foot radius, a plot plan showing elevations, floor plans, driveway access and parking area, as well as a traffic impact analysis and parking spaces. On November 18, 2015, the applicant subsequently submitted the Kaohu, LLC operating agreement, a notarized letter permitting Michael Spalding to pursue a CP, a map that identifies owners within 500 feet and a site plan with elevations. A plan set was submitted on December 2, 2015. A traffic impact report was received by the Department on May 17, 2016. A request for agency comments was sent out on June 2, 2016. The State of Hawaii Department of Health responded on June 29, 2016 that the wastewater disposal method was not addressed for review. On June 30, 2016, the applicant responded to the agency. The agency confirmed that there

were no further comments in their letter dated July 21, 2016. On July 8, 2016, the County of Maui Department of Public Works questioned the level of service referenced in the traffic impact report. The traffic engineer, Philip Rowell, responded on July 20, 2016 to the Department and revised the report. The Applicant completed their responses to all agency comments by July 20, 2016.

### **ENVIRONMENTAL IMPACTS**

There will be minimal environmental impact, as there will be no construction activity associated with the project.

### **TESTIMONY**

As of January 20, 2017, the Department of Planning has received no letters regarding this project.

### **ALTERNATIVES FOR THE PROPOSED ACTION**

1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberations on the application.
2. Recommendation to the County Council. The Commission is not the authority on conditional permits and, therefore, can only make a recommendation to the County Council to approve, approve with conditions, or deny the conditional permit. The County Council is the authority to act on conditional permits.

APPROVED:

  
WILLIAM SPENCE  
Planning Director









| WAIALE PARKING ANALYSIS           |      |                      |        |   |           |
|-----------------------------------|------|----------------------|--------|---|-----------|
|                                   |      |                      |        |   |           |
|                                   |      | Ratio Per MCC 19.36A |        |   |           |
|                                   | Area | Code                 | Per SF |   | Sub-Total |
| 293 Waiale Road                   |      |                      |        |   |           |
| Office                            | 1280 | 1 per                | 500    | = | 2.56      |
| Utility/Office Bath               | 400  | 1 per                | 500    | = | 0.8       |
| Total Parking Required            |      |                      |        |   | = 3.36    |
| Total Parking Required for Waiale |      |                      |        |   | = 3       |

## PROJECT DATA

PROJECT CODE: 2006 IBC W/  
MAUI COUNTY  
AMENDMENTS

TAX MAP KEY: (2) 3-4-09:36

LOT AREA: 3,600 SQ FT

BUILDING DESCRIPTION:  
RESIDENTIAL

OCCUPANCY: B

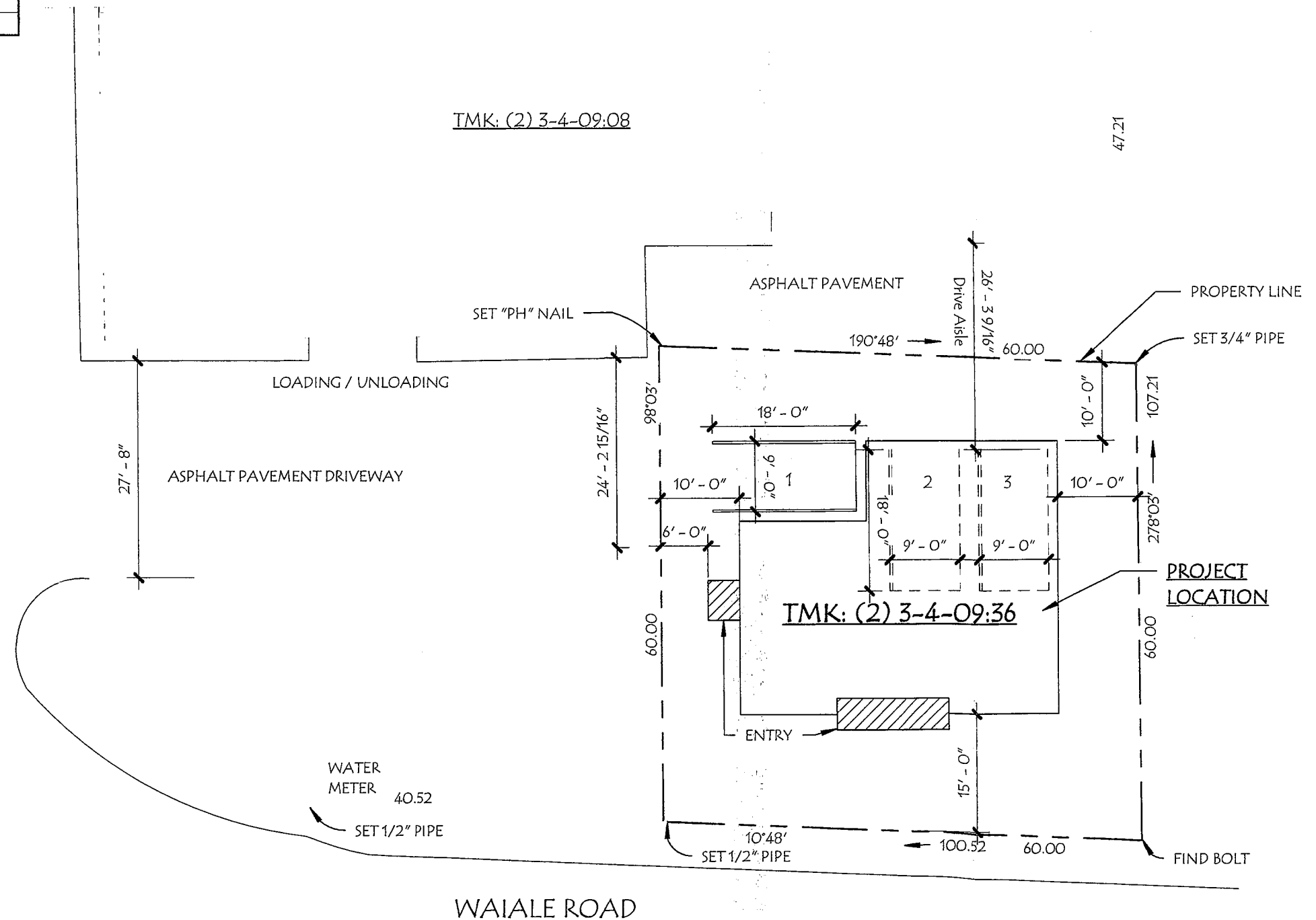
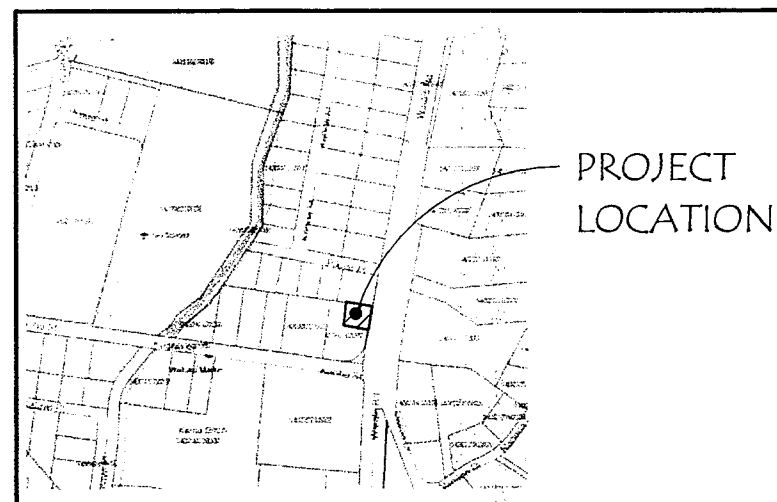
TYPE OF CONSTRUCTION: V B  
(NON SPRINKLED)

ZONING: R-2 / STATE URBAN  
DISTRICT

MAXIMUM ALLOWABLE  
BUILDING HEIGHT: 2 STORIES

PARKING SUMMARY:  
EXISTING TO REMAIN

SETBACKS: FRONT:15'  
SIDE & REAR: 6'



1 SITE PLAN  
AO-1 SCALE: 1/16" = 1'-0"

0 8' 16' 32'  
SCALE: 1/16" = 1'-0"

EXHIBIT 3



MAUI  
ARCHITECTURAL  
GROUP  
INC.  
www.maiarch.com

2301 W. MAIN STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE (808) 244-0011  
FAX (808) 242-1776  
email: mag@maiarch.com



THIS WORK WAS PREPARED BY ME  
OR UNDER MY CLOSE PERSONAL  
SUPERVISION AND I AM AWARE  
OF THE CONTENTS OF THIS PROJECT  
AND I BEING UNDER MY OBSERVATION.  
Observation of construction is required  
under Chapter 115, Section 16-115.2  
No. 16086  
Signature

WAIALE OFFICE  
293 WAIALE ROAD  
WAILUKU, MAUI, HI, 96793  
TMK: (2) 3-4-09:36

No. Revision

SITE PLAN

Date: 09/26/2016

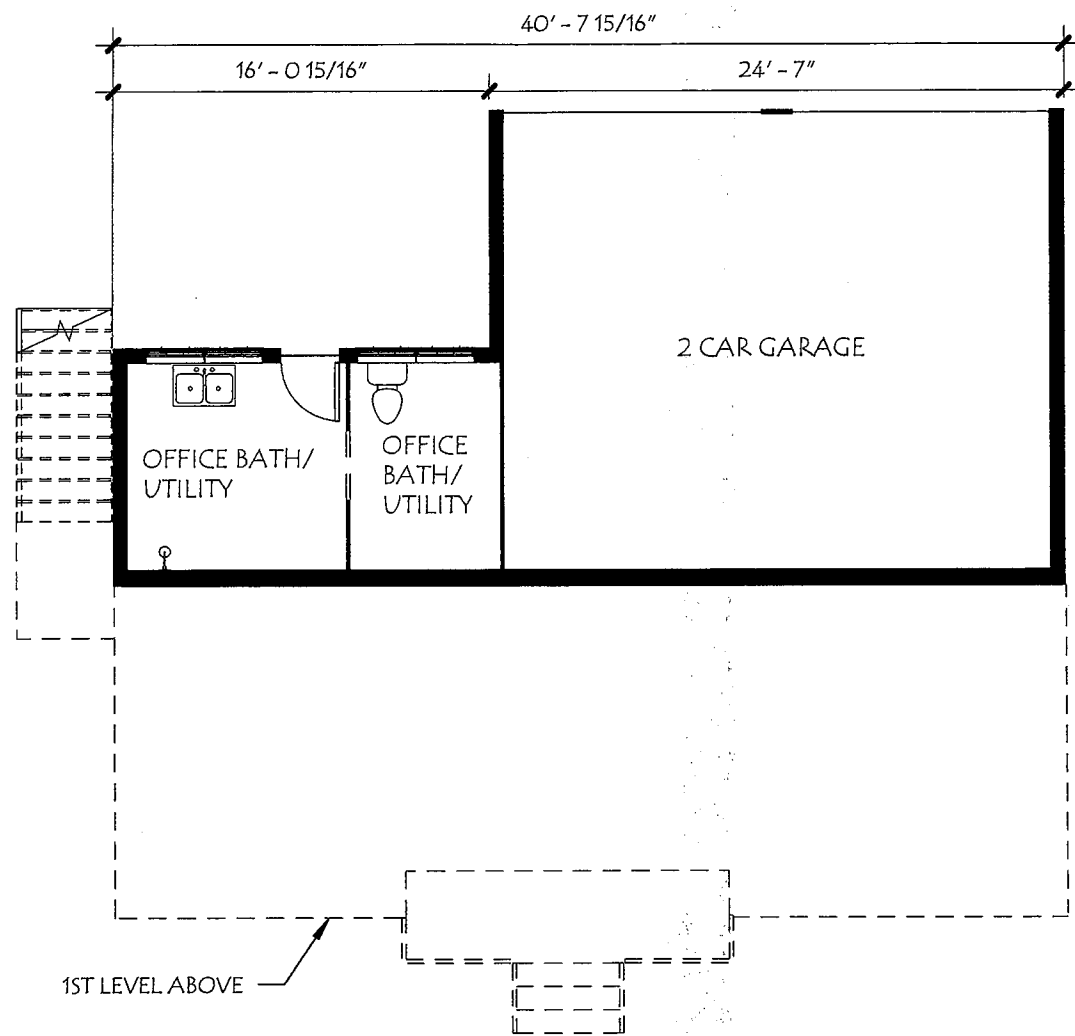
Scale: As indicated

File: PROJECT - Waiale Office - 293 Waiale Road.dwg

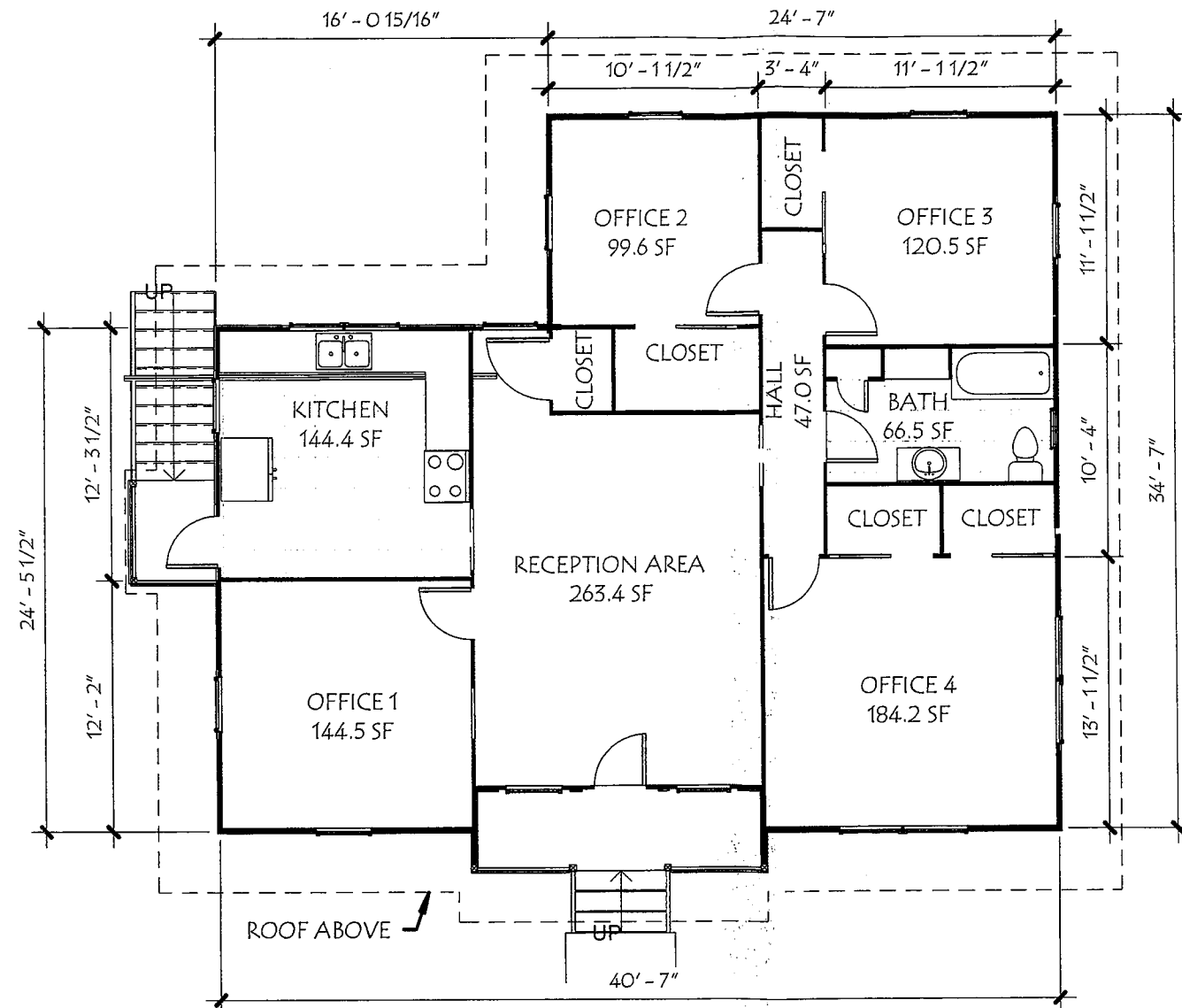
Job: Project Number

Sheet Number:

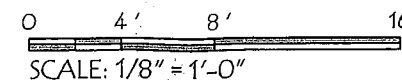
AO-1



2 GARAGE & STORAGE  
A-1 SCALE: 1/8" = 1'-0"

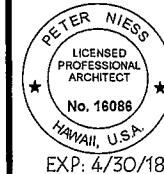


1 FLOOR PLAN  
A-1 SCALE: 1/8" = 1'-0"



MAUI ARCHITECTURAL GROUP INC.  
www.mauiarch.com

2331 W. MAIN STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE (808) 244-9311  
FAX (808) 242-1776  
email: mag@mauiarch.com



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION. I am a duly Licensed Architect under Chapter 115, Section 16-115.2.

Signature

WAIALE OFFICE  
293 WAIALE ROAD  
WAILUKU, MAUI, HI, 96793  
TMK: (2) 3-4-09.36

No. Revision

FLOOR PLANS & ROOF PLAN

Date: 09/26/2016

Scale: 1/8" = 1'-0"

File: P15020 Project Peter Niess.dwg

Plot: Waiale Office\_Plan.dwg

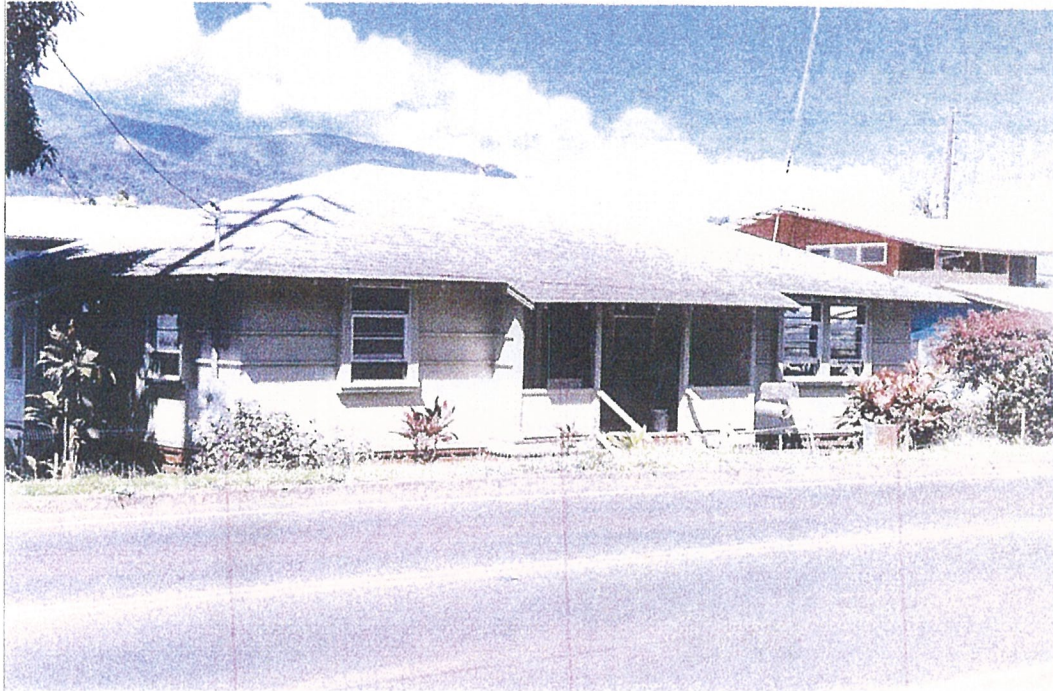
Job: Project Number

Sheet Number:

A-1

EXHIBIT 4

Front of House from Waiale Road



Front and Side View of House, Nearest Parking Lot from Waiale Road





Front View of House, Showing Residences to the North, from Waiale Road



View South of House of Front Yard and Parking Lot Area, from Waiale Road





View from Front of House of Intersection of Waiale and Kaohu Street



View East of House





View West of Parking Lot and Warehouse on Parcel 8



View South of Driveway Entrance, Kaohu St. and County Dept. of Environmental Mgmt. Baseyard





Kitchen Inside House



Living Area

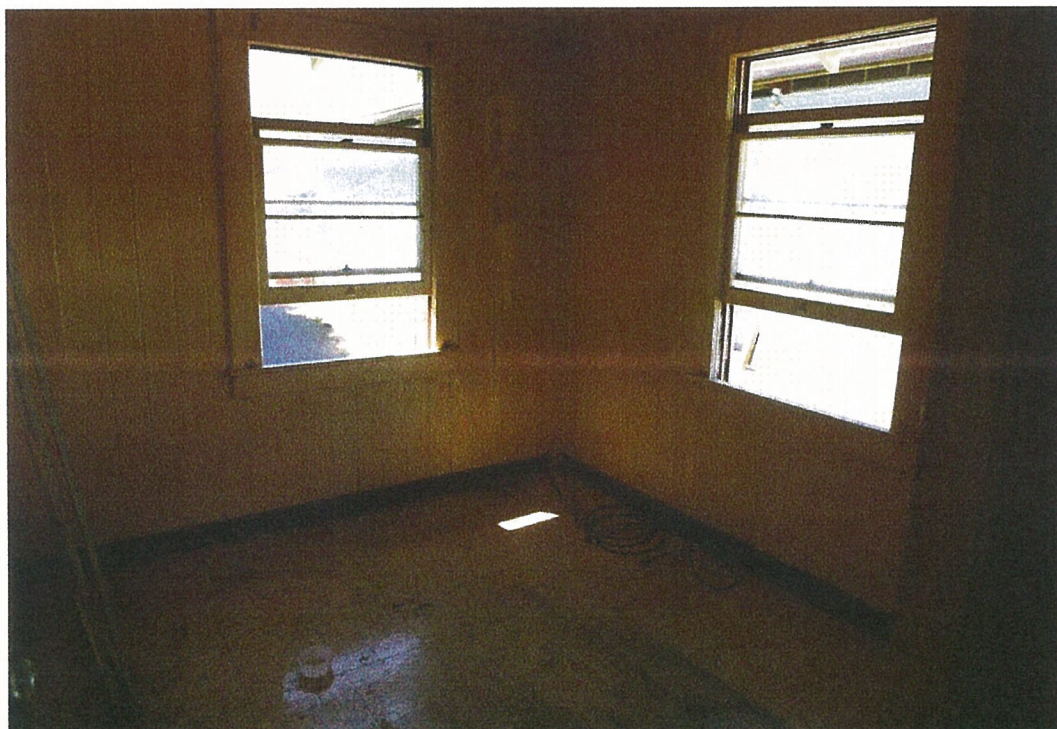




One of bedrooms



Another bedroom



## **Tara Furukawa - Spalding Realty DWS comment**

---

**From:** Audrey Dack  
**To:** Tara Furukawa  
**Date:** 6/28/2016 2:08 PM  
**Subject:** Spalding Realty DWS comment  
**Attachments:** 2340090036 Spalding Realty.pdf; Dack, Audrey.vcf

---

Aloha Terra,

Attached you will find our scan of "no comment". Let us know if you want the original.

Mahalo,  
Audrey Dack

Audrey Dack  
Planner  
Department of Water Supply  
Water Resources and Planning  
2200 Main Street, Ste. 102  
Wailuku, Hi 96793  
Ph. (808) 463-3109  
[audrey.dack@co.maui.hi.us](mailto:audrey.dack@co.maui.hi.us)

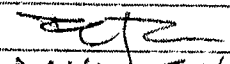
**EXHIBIT 6**

|                        |  |              |  |
|------------------------|--|--------------|--|
| <b>AGENCY<br/>NAME</b> |  | <b>PHONE</b> |  |
|------------------------|--|--------------|--|

Agency Transmittal - Michael Spalding Realty Office (CP 2015/0009)

June 2, 2016

Page 3

| NO COMMENT  |   |        |             |
|-------------|---|--------|-------------|
| Signed:     |  | Dated: | JUN 27 2016 |
| Print Name: | DAVID TAYLOR  | Title: | DIRECTOR    |

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

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

**Tara Furukawa - Michael Spalding Realty Office - CP 2015/0009**

---

**From:** Paul Haake  
**To:** Tara Furukawa  
**Date:** 7/15/2016 11:17 AM  
**Subject:** Michael Spalding Realty Office - CP 2015/0009

---

Hi Tara,

I apologize for the delay and appreciate you reaching out to us. Below are our department's comments in regards to the project. Please contact me if there are any questions or comments.

Thanks,

Paul

\*\*\*\*\*

July 15, 2016

Department of Planning  
 Attn: Tara K. Furukawa  
 2200 Main Street, Suite 315  
 Wailuku, HI 96793

**Re: 293 Waiale Road, Wailuku**  
**(2) 3-4-009: 036**  
**CP 2015/0009**

Dear Tara:

Thank you for the opportunity to provide comment on the referenced subject. At this time, our office provides the following comments:

- There are no specific comments in regards to the CP.
- Our office does reserve the right to provide comment during the Certificate of Occupancy process associated with this project. At that time, fire protection, access, and life safety concerns will be addressed.

If there are any questions or comments, please feel free to contact me at 876-4693. Thank you for your attention to fire prevention and public safety.

Sincerely,

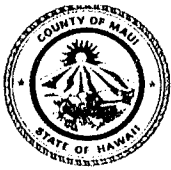
Paul Haake  
 Captain - Fire Prevention Bureau  
 Dept. of Fire & Public Safety

**EXHIBIT 7**

County of Maui

313 Manea Place Wailuku, HI 96793  
876-4690 office  
876-4693 direct line  
244-1363 fax





ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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



TIVOLI S. FAAUMU  
CHIEF OF POLICE

DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

June 15, 2016

COUNTY OF MAUI  
DEPT OF PLANNING & CONSERVATION

JUN 20 2016

RECEIVED

### MEMORANDUM

TO : TARA K. FURUKAWA, STAFF PLANNER  
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO. : CP 2015/0009  
TMK : (2) 3-4-009:036  
Project : Michael Spalding Realty Office  
Applicant : Kaohu, LLC

☒ 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 Victor K. Ramos

For: TIVOLI S. FAAUMU  
Chief of Police

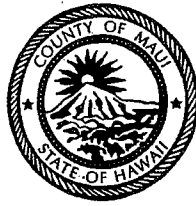
EXHIBIT 8

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

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



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

CARY YAMASHITA, P.E.  
Engineering Division

LESLI L. OTANI, P.E., L.S.  
Highways Division

COUNTY OF MAUI  
**DEPARTMENT OF PUBLIC WORKS**  
200 SOUTH HIGH STREET, ROOM NO. 434  
WAILUKU, MAUI, HAWAII 96793

July 8, 2016

RECEIVED  
JUL 12 2016  
DEPT. OF PUBLIC WORKS

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **CONDITIONAL PERMIT APPLICATION FOR 293 WAIALE ROAD,  
WAILUKU; TMK: (2) 3-4-009:036  
CP 2015/0009**

We reviewed the subject application and have the following comments:

Comments from the Development Services Administration (DSA), Plans Review Section:

1. If the Conditional Permit is granted, the building shall comply with current Building Code requirements and obtain a Certificate of Occupancy.

Comments from the Engineering Division:

2. What is the significance of "2020" Levels-of-Service? Should this be "2018"?

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Highways Division  
Engineering Division

S:\DSA\Eng\CM\Draft Comments\34009036\_293\_waiale\_rd\_cp.wpd

**EXHIBIT 9**

## Phillip Rowell and Associates

47-273 'D' Hui Iwa Street

Kaneohe, Hawaii 96744

Phone: (808) 239-8206

FAX: (808) 239-4175

Email: [prowell@hawaii.rr.com](mailto:prowell@hawaii.rr.com)

July 20, 2016

Mr Michael Spalding  
Michael Spalding Realty, Inc.  
75-B North Church Street  
Wailuku, Maui, Hawaii 96793

Re: Response to Comment from Public Works  
TIAR for Proposed Real Estate Office Building  
293 Waiale Road  
Wailuku, Maui, Hawaii

Dear Mr. Spalding:

The following response is provided to the second comment from Public Works:

The title was overlooked when the report was reviewed. The title has been changed from "2020 Levels-of-Service" to "2018 Levels-of-Service."

If you have any additional comments, do not hesitate to contact me.

Very truly yours,

**PHILLIP ROWELL AND ASSOCIATES**



Phillip J. Rowell, P.E.  
Principal

## Tara Furukawa - Michael Spalding Realty Office

**From:** Michelle Makii  
**To:** Tara Furukawa  
**Date:** 6/15/2016 9:18 AM  
**Subject:** Michael Spalding Realty Office  
**Attachments:** CP 20150009 234009036 Michael Spalding Realty Office.pdf

Aloha Tara,  
Attached is DEM's response to your transmittal.


Thank you,  
Michelle

*Michelle T. Makii*

Private Secretary  
Dept. of Environmental Management  
Office: 808 270-8230  
2050 Main Street, Suite 2B  
Wailuku, Hawaii 96793

**EXHIBIT** 10

**AGENCY TRANSMITTAL RESPONSE e-FORM**  
**FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI**  
**6/15/2016**

|   |   |              |                 |
|---|---|--------------|-----------------|
| <b>AGENCY NAME</b>  | <b>Department of Environmental Mgmt.</b>  | <b>PHONE</b> | <b>270-8230</b> |
| <b>PROJECT:</b><br><b>APPLICANT:</b><br><b>PERMIT NO:</b><br><b>TMK:</b><br><b>STREET ADDRESS:</b><br><b>PROJECT DESCRIPTION:</b><br><b>SECURITY CODE:</b>  | Michael Spalding Realty Office<br>Kaohu, LLC<br>CP 2015/0009<br>(2) 3-4-009:036<br>293 Waiale Road, Wailuku, Maui, Hawaii<br>Propose to use an existing single-family home zoned R-2, residential as a real estate office |              |                 |
| <input checked="" type="checkbox"/> <b>COMMENTS/RECOMMENDATIONS</b> <input type="checkbox"/> <b>NO COMMENTS</b>   |   |              |                 |
| <b>WASTEWATER RECLAMATION DIVISION COMMENTS</b><br>a. Although wastewater system capacity is currently available as of the date of this letter, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.<br>b. Wastewater contribution calculations are required before building permit is issued.<br>c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees. The property is located in the Wailuku Sewer Service Area.<br>d. Plans should show the existing single service lateral and property sewer service manhole near the property line. If a property sewer service manhole does not exist, one shall be installed.<br>e. Non-contact cooling water and condensate should not drain to the wastewater system. |   |              |                 |
| <input type="checkbox"/> <b>COMMENTS/RECOMMENDATIONS</b> <input checked="" type="checkbox"/> <b>NO COMMENTS</b>   |   |              |                 |
| <b>SOLID WASTE DIVISION COMMENTS</b>  |   |              |                 |
| Signed:   |    |              |                 |
| Print Name:   | Michael M. Miyamoto, Deputy Director  |              | Date 6/15/16    |

**Tara Furukawa - DEM SWD 293 Waiale Road Wailuku HI Comment & Review**

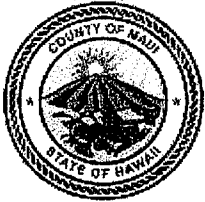
---

**From:** Paul Barany  
**To:** Tara Furukawa  
**Date:** 6/9/2016 12:33 PM  
**Subject:** DEM SWD 293 Waiale Road Wailuku HI Comment & Review  
**Attachments:** 293 Waiale Rd Wailuku HI DEM SWD Comment.pdf

Hi Tara,  
Please see attached No comment response from DEM Solid Waste Division. Mahalo.

Regards,

*Paul Barany*  
County of Maui  
Department of Environmental Management  
Solid Waste Division  
2200 Main Street, Suite 225  
Wailuku, HI 96793  
Office: (808) 876-4603  
Cell: (808) 495-2850



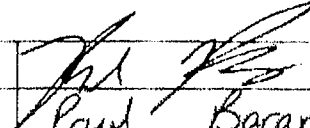
**EXHIBIT II**

|                    |  |              |                |
|--------------------|--|--------------|----------------|
| <b>AGENCY NAME</b> | Department of Environmental Management - Solid Waste | <b>PHONE</b> | (908) 876-4605 |
|--------------------|--|--------------|----------------|

Agency Transmittal - Michael Spalding Realty Office (CP 2015/0009)

June 2, 2016

Page 3

|                   |   |        |          |
|-------------------|---|--------|----------|
| <b>NO COMMENT</b> |   |        |          |
| Signed:           |  | Dated: | 6/8/16   |
| Print Name:       | Paul Baramy   | Title: | Engineer |

|                                   |  |        |  |
|-----------------------------------|--|--------|--|
| <b>RECOMMENDED CONDITIONS BOX</b> |  |        |  |
|                                   |  |        |  |
| Signed:                           |  | Dated: |  |
| Print Name:                       |  | Title: |  |

|                             |  |        |  |
|-----------------------------|--|--------|--|
| <b>GENERAL COMMENTS BOX</b> |  |        |  |
|                             |  |        |  |
| Signed:                     |  | Dated: |  |
| Print Name:                 |  | Title: |  |



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

June 29, 2016

Mr. William R. Spence  
Director  
Department of Planning  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawai'i 96793

Attn: Tara K. Furukawa

Dear Mr. Spence:

**Subject:** Michael Spalding Realty Office  
**Applicant:** Kaohu, LLC  
**Permit No.:** CP 2015/0009  
**TMK:** (2) 3-4-009:036  
**Project Location:** 293 Waiale Road, Wailuku, Maui, Hawaii 96793  
**Project Description:** Proposal to use an existing single-family home zoned R-2, Residential, as a real estate office

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

The wastewater disposal method was not addressed for our review. Please provide the wastewater disposal method so we can provide our comments for the subject project. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.



Mr. William R. Spence  
June 29, 2016  
Page 2

Should you have any questions, please contact me at 808 984-8230 or email me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

A handwritten signature in black ink that reads "Patti Kitkowski". The signature is written in a cursive, flowing style.

Patti Kitkowski  
District Environmental Health Program Chief

c EPO

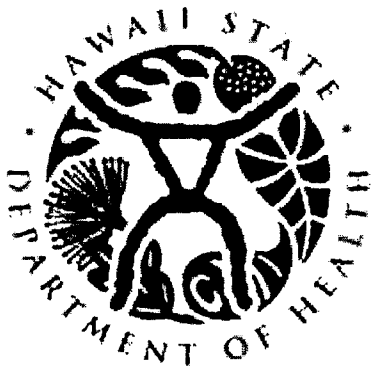
**Tara Furukawa - RE: CP 2015/0009; TMK (2) 3-4-009:036; 293 Waiale Road, Wailuku, Hawaii**

---

**From:** "Kitkowski, Patricia Y" <patricia.kitkowski@doh.hawaii.gov>  
**To:** Spalding Realty <spaldingrealty@gmail.com>  
**Date:** 6/30/2016 9:05 AM  
**Subject:** RE: CP 2015/0009; TMK (2) 3-4-009:036; 293 Waiale Road, Wailuku, Hawaii  
**CC:** "michael spalding" <mikaele@hawaii.rr.com>, "Tara Furukawa" <Tara.Fu...

---

Mahalo for response. This has been forwarded to Wastewater engineer for review.  
Patti



Patti Kitkowski  
Environmental Health Services Division  
Maui Sanitation Branch  
54 S. High Street, Room 300  
Wailuku, Hawaii 96793  
Telephone: (808) 984-8230  
Fax: (808) 984-8237  
email: patricia.kitkowski@doh.hawaii.gov

**From:** Spalding Realty [spaldingrealty@gmail.com]  
**Sent:** Thursday, June 30, 2016 7:46 AM  
**To:** Kitkowski, Patricia Y <patricia.kitkowski@doh.hawaii.gov>  
**Cc:** 'michael spalding' <mikaele@hawaii.rr.com>; 'Tara Furukawa' <Tara.Furukawa@co.maui.hi.us>  
**Subject:** CP 2015/0009; TMK (2) 3-4-009:036; 293 Waiale Road, Wailuku, Hawaii

Dear Patricia:

Thank you for your letter to Mr. William Spence dated June 29, 2016 (copy attached) regarding the subject conditional use permit.

The wastewater disposal method for the subject property is via County sewer connection.

Should you have any further questions, please do not hesitate to contact me.

Cordially yours,

Michael S. Spalding, R, CCIM

Michael Spalding Realty, Inc.  
1806 B Kaohu Street  
Wailuku, Maui, Hawaii 96793  
Ph. (808) 242-5788  
Fax (808) 242-6912

Email - [spalding.reealty@hawaiiintel.net](mailto:spalding.reealty@hawaiiintel.net) or [spaldingreealty@gmail.com](mailto:spaldingreealty@gmail.com)

Website - [www.mspaldingreealty.com](http://www.mspaldingreealty.com)

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Information from ESET NOD32 Antivirus, version of virus signature database 13732  
(20160630)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



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

July 21, 2016

Mr. William R. Spence  
Director  
Department of Planning  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawai'i 96793

Attn: Tara K. Furukawa

Dear Mr. Spence:

**Subject:** Michael Spalding Realty Office  
**Applicant:** Kaohu, LLC  
**Permit No.:** CP 2015/0009  
**TMK:** (2) 3-4-009:036  
**Project Location:** 293 Waiale Road, Wailuku, Maui, Hawaii 96793  
**Project Description:** Proposal to use an existing single-family home zoned R-2, Residential, as a real estate office

Thank you for the additional information that we requested.

We have no further comments on the above project at this time, since the domestic wastewater generated will be treated and disposed at the Kahului Wastewater Treatment Plant. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.

It is strongly recommended that the Standard Comments found at the Department's website: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/> be reviewed and any comments specifically applicable to this project should be adhered to.



Mr. William R. Spence  
July 21, 2016  
Page 2

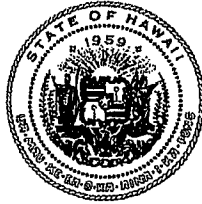
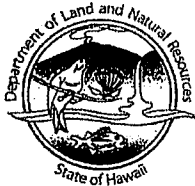
Should you have any questions, please contact me at 808 984-8230 or email me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov).

Sincerely,

A handwritten signature in black ink that reads "Patti Kitkowski". The signature is written in a cursive, flowing style.

Patti Kitkowski  
District Environmental Health Program Chief

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

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
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

June 20, 2016

Kaohu LLC  
1806 B Kaohu Street  
Wailuku, Hawai'i 96793

**SUBJECT: Chapter 6E-42 Historic Preservation Review**  
**Conditional Use Permit**  
**Address – 293 Waiale Road**  
**Wailuku Ahupuaa, Puali Komohana District, Island of Maui**  
**TMK: (2) 3-4-009:036**  
**Owner: Kaohu LLC**

LOG NO: 2016.01394  
DOC NO: 1606MB03

On June 8, 2016, the State Historic Preservation Division (SHPD) received the submittal for Hawaii Revised Statutes (HRS) **Chapter 6E-42 Historic Preservation Review**. The submittal included the conditional permit application checklist, warranty deed, LLC operating agreement, letter of authorization, landowner maps, copy of the CUP application, letter justifying request, existing and proposed plans, photographs, zoning and flooding confirmation form, and traffic analysis report. The scope of work includes the change of use from residential to commercial use within the existing Waiale office.

The character defining features of the building will not be impacted by the proposed scope of work.

Based on this submittal, SHPD's determination for this project is "**no historic properties affected**".

Please contact Megan Borthwick at [megan.borthwick@hawaii.gov](mailto:megan.borthwick@hawaii.gov) or (808) 692-8029 regarding architectural resources or this letter.

Mahalo,

A handwritten signature in black ink, appearing to read "Alan S. Downer".

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

cc: [Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)

Development Services Administration  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96796

Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

**EXHIBIT** 13

## Phillip Rowell and Associates

47-273 'D' Hui Iwa Street

Kaneohe, Hawaii 96744

Phone: (808) 239-8206

FAX: (808) 239-4175

Email: [prowell@hawaii.rr.com](mailto:prowell@hawaii.rr.com)

July 20, 2016

Mr Michael Spalding  
Michael Spalding Realty, Inc.  
75-B North Church Street  
Wailuku, Maui, Hawaii 96793

Re: Traffic Impact Assessment Report  
Proposed Real Estate Office Building  
293 Waiale Road  
Wailuku, Maui, Hawaii

Dear Mr. Spalding:

Phillip Rowell and Associates have completed the following Traffic Impact Assessment Report (TIAR) for a proposed real estate office building at 293 Waiale Road in Wailuku.

The report is presented in the following format:

- A. Project location and Description
- B. Purpose and Objective of Study
- C. Study Approach
- D. Description of Existing Roadways and Intersections
- E. Existing Peak Hour Traffic Volumes
- F. Public Transportation
- G. Level-of-Service Concept
- H. Existing (2015) Levels-of-Service
- I. Existing Deficiencies
- J. 2018 Background Traffic Conditions
- K. Project Trip Generation
- L. Background Plus Project Projections
- M. Traffic Impact Assessment
- N. Mitigation
- O. Summary and Recommendations

### **A. Project location and Description**

The project is located in the northwest quadrant of the intersection of Waiale Road at Kaohu Street and Olulua Drive. The site is currently occupied by a existing building. The proposed action is the reuse of the building. The building will be reused as a real estate office. Based on the information provided, it is understood that there will be two (2) full-time employees and three (3) part-time employees in the building. It is also understood that the building will be primarily used for bookkeeping, records storage and administrative support for the company.

A site plan is provided as Attachment A. Access to and egress from the project will be via an existing driveway along the north side of Kaohu Street west of Waiale Road.



## **B. Purpose and Objective of Study**

The objective of this traffic assessment is to confirm that any traffic operational problems in the immediate vicinity of the project are identified, assessed and mitigated as needed to provide acceptable access and egress levels-of-service for the project.

## **C. Study Approach**

1. A preliminary trip generation analysis was performed to determine the scope of the traffic analysis required and the intersections to be studied. This analysis estimated that the project could generate 3 trips during the morning peak hour and 3 trips during the afternoon peak hour. Therefore, the scope of work should be consistent with an "access location and design review."
2. A field reconnaissance was performed to confirm existing roadway cross-sections, intersection lane configurations, right-of-way controls, traffic control devices, bus stops and surrounding land uses. The study area includes the intersection of Waiale Road at Kaohu Street and Olulua Drive.
3. Existing weekday morning and afternoon peak hour traffic volumes for the study intersections were obtained from manual traffic counts of the study intersection. The intersection was counted manually because turning movement volumes are required to perform the level-of-service analysis. Public schools were in session during the counts.
4. A level-of-service analysis of the study intersection was performed using the methodology described in the *Highway Capacity Manual* (HCM). The purpose of this analysis was to identify any existing traffic operating deficiencies.
5. A list of other known development projects within and adjacent to the study area that will impact traffic conditions at the study intersection was compiled. Estimated peak hour traffic volumes that the other known development projects will generate were estimated from data provided in the traffic impact studies for each project. Future traffic projections including traffic generated by the other known development projects but without project generated traffic at the study intersection were estimated.
6. A level-of-service analysis of future traffic conditions, including traffic generated by the other known developments, at the study intersection without project generated traffic was performed. This analysis was performed to estimate traffic operating levels-of-service and identify any operational deficiencies that may exist whether the proposed action occurs or not. This process insures that any required mitigation improvements will be assessed against the appropriate project.
7. Peak hour traffic volumes that the proposed action will generate were estimated using procedures described in the *Trip Generation Handbook*<sup>1</sup> and data provided

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<sup>1</sup> Institute of Transportation Engineers, *Trip Generation Handbook*, Washington, D.C., , p. 7-12

in *Trip Generation*.<sup>2</sup> Project generated trips were distributed and assigned to the appropriate movements at the study intersections. Future traffic projections at the study intersections with project generated traffic were then estimated.

8. The impacts of traffic generated by the proposed project at the study intersection were quantified by analyzing the changes in peak hour traffic volumes and by performing a level-of-service analysis of future traffic conditions without and with project generated traffic.

#### **D. Description of Existing Roadways and Intersections**

##### *Existing Roadways*

Waiale Road is a two-lane, two-way, County roadway, with a north-south orientation along the east boundary of the project. No parking is allowed along either side.

Kaohu Street is a two-lane, two-way roadway with an east-west orientation. Kaohu Street connects Honoapiilani Highway and Waiale Road.

##### *Existing Intersections*

The intersection of Waiale Road and Kaohu Street is a four-legged, all way STOP sign controlled intersection. The northbound and southbound approaches are Waiale Road, the eastbound approach is Kaohu Street and the westbound approach is Olulua Drive. There is a two-way connector between Olulua Drive and the south leg of Waiale Road. The intersections of this connector at Waiale Road and Olulua Drive are STOP sign controlled. There is a crosswalk across the west leg of the intersection. Attachment B is an aerial photograph of the intersection. Attachment C is a schematic drawing indicating the right-of-way controls and lane configurations of the study intersection.

#### **E. Existing Peak Hour Traffic Volumes**

Current weekday peak hour traffic volumes at the study intersections were obtained from manual traffic counts. The traffic counts were performed between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM on Tuesday, December 8, 2015. The counts are also summarized on Attachment C. The traffic counts include mopeds, motorcycles, buses, trucks and other large vehicles.

#### **F. Public Transportation**

A review of Maui Bus routes determined that at the time this report is being written, the Maui Bus operates the Wailuku Loop (Routes 1 and 2 along Waiale Road and Kaohu Street).

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<sup>2</sup> Institute of Transportation Engineers, *Trip Generation*, 8<sup>th</sup> Edition, Washington, D.C., 2008

**G. Level-of-Service Concept***Signalized Intersections*

"Level-of-Service" is a term which denotes any of an infinite number of combinations of traffic operating conditions that may occur on a given lane or roadway when it is subjected to various traffic volumes. Level-of-service (LOS) is a qualitative measure of the effect of a number of factors which include space, speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience.

There are six levels-of-service, A through F, which relate to the driving conditions from best to worst, respectively. The characteristics of traffic operations for each level-of-service are summarized in Table 1. In general, LOS A represents free-flow conditions with no congestion. LOS F, on the other hand, represents severe congestion with stop-and-go conditions. Level-of-Service D is typically considered acceptable for peak hour conditions in urban areas.<sup>3</sup>

Corresponding to each level-of-service shown in the table is a volume/capacity ratio. This is the ratio of either existing or projected traffic volumes to the capacity of the intersection. Capacity is defined as the maximum number of vehicles that can be accommodated by the roadway during a specified period of time. The capacity of a particular roadway is dependent upon its physical characteristics such as the number of lanes, the operational characteristics of the roadway (one-way, two-way, turn prohibitions, bus stops, etc.), the type of traffic using the roadway (trucks, buses, etc.) and turning movements.

**Table 1**  
**Level-of-Service Definitions for Signalized Intersections<sup>(1)</sup>**

| Level of Service | Interpretation   | Volume-to-Capacity Ratio <sup>(2)</sup> | Stopped Delay (Seconds) |
|------------------|--|---|-------------------------|
| A, B             | Uncongested operations; all vehicles clear in a single cycle.  | 0.000-0.700                             | <10.0                   |
| C                | Light congestion; occasional backups on critical approaches.   | 0.701-0.800                             | 10.1-20.0               |
| D                | Congestion on critical approaches but intersection functional. Vehicles must wait through more than one cycle during short periods. No long standing lines formed. | 0.801-0.900                             | 20.1-35.0               |
| E                | Severe congestion with some standing lines on critical approaches. Blockage of intersection may occur if signal does not provide protected turning movements.      | 0.901-1.000                             | 35.1-80.0               |
| F                | Total breakdown with stop-and-go operation.  | >1.001                                  | >80.0                   |

Notes:  
 (1) Source: *Highway Capacity Manual*, 2000.  
 (2) This is the ratio of the calculated critical volume to Level-of-Service E Capacity.

<sup>3</sup> Institute of Transportation Engineers, *Traffic Access and Impact Studies for Site Development, A Recommended Practice*, Washington, D.C., 1991, p.39.



### Unsignalized Intersections

Like signalized intersections, the operating conditions of intersections controlled by stop signs can be classified by a level-of-service from A to F. However, the method for determining level-of-service for unsignalized intersections is based on the use of gaps in traffic on the major street by vehicles crossing or turning through that stream. Specifically, the capacity of the controlled legs of an intersection is based on two factors: 1) the distribution of gaps in the major street traffic stream, and 2) driver judgement in selecting gaps through which to execute a desired maneuver. The criteria for level-of-service at an unsignalized intersection is therefore based on delay of each turning movement. Table 2 summarizes the definitions for level-of-service and the corresponding delay.

**Table 2**  
**Level-of-Service Definitions for Unsignalized Intersections<sup>(1)</sup>**

| Level-of-Service | Expected Delay to Minor Street Traffic | Delay (Seconds) |
|------------------|--|-----------------|
| A                | Little or no delay                     | >10             |
| B                | Short traffic delays                   | 10.1 to 15.0    |
| C                | Average traffic delays                 | 15.1 to 25.0    |
| D                | Long traffic delays                    | 25.1 to 35.0    |
| E                | Very long traffic delays               | 35.1 to 50.0    |
| F                | See note (2) below                     | >50.1           |

Notes:  
(1) Source: *Highway Capacity Manual*, 2000.  
(2) When demand volume exceeds the capacity of the lane, extreme delays will be encountered with queuing which may cause severe congestion affecting other traffic movements in the intersection. This condition usually warrants improvement of the intersection.

### H. Existing (2015) Levels-of-Service

The results of the level-of-service analysis of the unsignalized intersection of Waiale Road at Kaohu Street are summarized in Table 3. For the unsignalized intersections, delays and levels-of-service of the controlled lanes groups are shown. The *Highway Capacity Manual* does not estimated delays or levels-of-service of uncontrolled lane groups. Also shown in the table are the estimated queue lengths for the controlled lane groups. The queue lengths shown in the table are estimated vehicles using an average vehicle length of 25 feet.

**Table 3**  
**Existing (2015) Levels-of-Service - Unsignalized Intersections**

| Intersection, Approach and Movement                     | AM Peak Hour <sup>(1)</sup><br>(7:00 AM to 8:00 AM) |                    |                                       | PM Peak Hour <sup>(1)</sup><br>(4:00 PM to 5:00 PM) |                 |                        |
|---|---|--------------------|---------------------------------------|---|-----------------|------------------------|
|   | Delay <sup>(2)</sup>                                | LOS <sup>(3)</sup> | 95 <sup>th</sup> Queue <sup>(4)</sup> | Delay   | LOS             | 95 <sup>th</sup> Queue |
| <b><i>Waiale Road at Kaohu Street<sup>(5)</sup></i></b> | <b><i>27.3</i></b>                                  | <b><i>D</i></b>    | <b><i>NC<sup>(7)</sup></i></b>        | <b><i>66.0</i></b>                                  | <b><i>F</i></b> | <b><i>NC</i></b>       |
| Eastbound Left  | 11.2  | B                  | NC                                    | 11.0  | B               | NC                     |
| Eastbound Thru & Right                                  | 10.9  | B                  | NC                                    | 11.4  | B               | NC                     |
| Westbound Thru & Right                                  | 10.7  | B                  | NC                                    | 10.6  | B               | NC                     |
| Northbound Left & Thru                                  | 33.4  | D                  | NC                                    | 92.8  | F               | NC                     |
| Southbound Right, Thru & Left                           | 28.1  | D                  | NC                                    | 53.6  | F               | NC                     |
| <b><i>Waiale Road at Connector</i></b>                  | <b><i>0.3</i></b>                                   | <b><i>A</i></b>    | <b><i>NC</i></b>                      | <b><i>0.2</i></b>                                   | <b><i>A</i></b> | <b><i>NC</i></b>       |
| Westbound Left  | 21.6  | C                  | <1                                    | 23.6  | C               | <1                     |
| <b><i>Olulua Drive at Connector</i></b>                 | <b><i>3.0</i></b>                                   | <b><i>A</i></b>    | <b><i>NC</i></b>                      | <b><i>4.6</i></b>                                   | <b><i>A</i></b> | <b><i>NC</i></b>       |
| Westbound Thru & Left                                   | 3.3   | A                  | <1                                    | 4.3   | A               | <1                     |
| Northbound Right  | 8.4   | A                  | <1                                    | 8.4   | A               | <1                     |

NOTES:

- (1) See Appendix D for Level-of-Service Worksheets for existing peak hour traffic conditions.
- (2) Delay in seconds per vehicle.
- (3) LOS denotes Level-of-Service.
- (4) 95<sup>th</sup> percentile queue in vehicles.
- (5) NC = Not calculated

The overall intersection of Waiale Road at Kaohu Street and Olulua Drive operates at Level-of-Service D during both the morning peak hour and Level-of-Service F during the afternoon peak hour. The eastbound approach of Kaohu Street and the westbound approach of Olulua Drive operate at Level-of-Service B during both peak periods. The northbound and southbound approaches along Waiale Road operate at Level-of-Service D during the morning peak hour and Level-of-Service F during the afternoon peak hour. All queues are less than one vehicle.

## I. Existing Deficiencies

For signalized intersections, Level-of-Service D is the minimum acceptable Level-of-Service<sup>4</sup> and that this standard is applicable to the overall intersection and major through movements. Minor movements, such as left turns, and minor side street approaches may operate at Level-of-Service E or F for short periods of time during the peak hours so that the overall intersection and major movements along the major highway will operate at Level-of-Service D, or better. All volume-to-capacity ratios must be 1.00 or less<sup>5</sup>.

A minimum acceptable standard has not been established for unsignalized intersections. Therefore, we have used a standard that Level-of-Service D is an acceptable level-of-service for major controlled lane groups, such as left turns from a major street to a minor street. Side street approaches may operate at Level-of-Service E or F for short periods of time. This is determined from the delays of the individual lane groups. If the delay of any of the side street approaches appears to be so long that it will affect the overall level-of-service of the intersection, then mitigation

<sup>4</sup> Institute of Transportation Engineers, *Transportation Impact Analyses for Site Development: A Recommended Practice*, 2006, page 60.

<sup>5</sup> Transportation Research Board, *Highway Capacity Manual*, Washington, D.C., 2000, p. 16-35.

measures should be accessed. Using the above standards, no existing deficiencies were identified at the study intersections.

## **J. 2018 Background Traffic Conditions**

### *Horizon Year*

The horizon year is the date for which future background traffic projections were estimated. Future background projections include traffic generated by other known projects within and adjacent to the study area and background traffic growth, for which a future year must be selected. Future background traffic projections do not include traffic generated by the study project.

For projects that will generate less than 500 peak hour trips, the suggested horizon year is the "anticipated opening year, assuming full build out and occupancy."<sup>6</sup> A horizon year of 2018 was selected for this TIAR.

### *Background Traffic Growth*

Future traffic growth consists of two components. The first is ambient background growth that is a result of regional growth and cannot be attributed to a specific project. This growth factor also considers traffic associated with minor, or small, projects for which no traffic data are available.

The *Maui Long Range Transportation Plan*<sup>7</sup> concluded that traffic in Maui would increase an average of 1.6% per year from 1990 to 2020. This growth rate was used to estimate the background growth between 2014 and 2020, which is the design year for this project. The growth factor was calculated using the following formula:

$$F = (1 + i)^n$$

where F = Growth Factor

i = Average annual growth rate, or 0.016

n = Growth period, or 5 years

This growth factor was applied to all traffic movements at the study intersections. See Attachment E for background traffic growth assignments.

### *Related Projects*

The second component in estimating background traffic projections is estimated traffic generated by other known development projects. Other known development projects are defined as those projects in the vicinity of the study project that would significantly impact traffic in the study area. Other known development projects are typically projects that are under construction or have been approved for construction, but often includes adjacent vacant parcels that have a high probability of being developed within the design period.

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<sup>6</sup> Institute of Transportation Engineers, *Transportation and Land Development*, Washington, D.C., 2002, page 3-13

<sup>7</sup> Kaku Associates, *Maui Long Range Land Transportation Plan*, October 1996



Five projects were identified that will have a direct impact on the study intersections. These projects and the estimated number of peak hour trips generated by each are summarized in Table 4. Traffic generated by these projects was assigned to the appropriate traffic movements at the study intersections.

**Table 4**  
**Trip Generation Summary of Related Projects**

|   | <u>Related Project</u>            | <u>Description</u>  | <u>AM Peak Hour</u> |            |              | <u>PM Peak Hour</u> |            |              |
|---|-----------------------------------|---|---------------------|------------|--------------|---------------------|------------|--------------|
|   |                                   |   | <u>In</u>           | <u>Out</u> | <u>Total</u> | <u>In</u>           | <u>Out</u> | <u>Total</u> |
| A | Emmanuel Lutheran Church & School | 400 Students K-8<br>4,000 sf Sanctuary<br>19.7 Acres Lt Industrial              | 255                 | 215        | 470          | 150                 | 165        | 315          |
| B | Waiko Industrial Park             | 100,000 sf Retail   | 211                 | 78         | 289          | 220                 | 351        | 571          |
| C | Puunani Subdivision               | 147 SF Ag Lots<br>150 Apartments<br>300 Condominiums<br>25,000 sf Office/Retail | 182                 | 350        | 532          | 290                 | 245        | 535          |
| D | Waiale 201H Affordable Housing    | 73 SF Affordable Units  | 15                  | 46         | 61           | 50                  | 29         | 79           |
| E | Kuihelani Affordable Housing      | 60 SF Affordable Units  | 13                  | 39         | 52           | 42                  | 24         | 66           |
|   | Totals                            |   | 676                 | 728        | 1,404        | 752                 | 814        | 1,566        |

#### *A. Emmanuel Lutheran Church and School*

The proposed Emmanuel Lutheran Church and School will be located between Honoapiilani Highway and Waiale Road and south of Kuikahi Drive. The project will consist of a 4,000 square foot sanctuary and a K thru 8 school of approximately 400 students. The estimated peak hour traffic and the trip assignments were obtained from the project's TIAR. Access and egress will be via a new driveway along the west side of Waiale Road. Trip assignments for the project were obtained from the project TIAR<sup>8</sup>.

#### *B. Waiko Road Industrial Park*

The proposed project is located in the northwest quadrant of the intersection of Kuihelani Highway and Waiko Road. The total area of the project is 32 acres<sup>9</sup>.

The current plan for the proposed industrial park indicates three separate parcels. The first parcel is located along the north side of Waiko Road between Kuihelani Highway and the east property line of the Consolidated Baseyard. There is an 80 foot wide roadway easement between the parcel and the Consolidated Baseyard. This area of this parcel is 8.4 acres and could accommodate approximately 100,000 square feet of retail and commercial floor space. Access to and egress from this parcel will be provided by a driveway using the 80 foot easement described.

<sup>8</sup> Phillip Rowell and Associates, *TIAR for Emmanuel Lutheran Church and School*, August 18, 2006

<sup>9</sup> Phillip Rowell and Associates, *TIAR for Waiko Road Industrial Park*, January 31, 2014

The second parcel is located west of the Consolidated Baseyard and will consist of 19.7 acres of light industrial uses. Access to and egress from this parcel will be provided a one driveway, Drive B. This driveway will be unsignalized and all approaches in be one lane only.

Trip assignments for the project were obtained from the project TIAR.

*C. Puunani Subdivision*

The proposed project is located in the southwest quadrant of the intersection of Honoapiilani Highway and Kuikahi Drive. As currently defined, the will consist of 147 single-family residential units, 150 apartments, 300 condominiums and 25,000 square feet of retail/office space. Access to and egress from the project will be provide by three (3) new driveways along the south side of Kuikahi Drive. Trip assignments for the project were obtained from the project TIAR<sup>10</sup>.

*D. Waiale 201H Affordable Housing Project*

The proposed project is located along the west side of Waiale Road. The project site is bounded by Waiale Road (east), Waikapu Gardens Phase 1 (south), Valley-Isle Fellowship Church (west) and the site of the future Emmanuel Lutheran Church. The proposed action is the construction of 73 affordable, single-family units.

Access to and egress from the project will be via a new driveway along the west side of Waiale Road. Trip assignments for the project were obtained from the project TIAR.

*E. Kuihelani Affordable Housing Project*

The proposed project is located along the south side of Kuikahi Drive between Honoapiilani Highway and Waiale Road. Access to and egress from the project will be via a new driveway along the south side of Kuikahi Drive approximately midway between Honoapiilani Highway and Waiale Road. The proposed action is the construction of 60 single-family affordable units. Trip assignments for the project were estimated from the project description.

Traffic from these projects was assigned to the appropriate traffic movements at the study intersections. These assignments are provided on Attachment E.

Background growth and trip assignments of the other known projects were added to the existing peak hour traffic volumes. The resulting 2018 background traffic projections without project traffic are summarized on Attachment F. These projections assume that the peak hours of all the other known projects coincide with the existing peak hours. The result is a worst-case condition.

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<sup>10</sup> Phillip Rowell and Associates, *Draft TIAR for Puunani Subdivision*, October 26, 2014

## K. Project Trip Generation

Future traffic volumes that will be generated by the proposed project were estimated using the methodology described in the *Trip Generation Handbook*<sup>11</sup> and data provided in *Trip Generation*<sup>12</sup>. This method uses trip generation equations or rates to estimate the number of trips that the project will generate during the peak hours of the project and along the adjacent street.

The proposed action is the remodel of an existing building. The remodeled building will be used as a real estate support office and will have a single tenant. *Trip Generation* provides rates and equations to estimate the number of peak hour trips that a single-tenant office building will generate during the peak hours of the adjacent street. The AM peak hour of the adjacent street is typically between 7:00 AM and 9:00 AM and PM peak hour is between 4:00 PM and 6:00 PM, typical commute hours. The trip generation rates and equations are based on the estimated number of employees. For this project, the trip generation rates for the adjacent street have been used because the resulting trip generation estimates are more reasonable than the equations.

The trip generation rates used for the trip generation analysis and the resulting trip generation estimates for five (5) employees are summarized in Table 5. The trip generation analysis estimated that the project will generate a total of 3 trips during the morning peak hour and 3 trips during the afternoon peak hour.

**Table 5**  
**Trip Generation Analysis**

| Period & Direction                    |          | Single Tenant Office Building (Land Use Code 230) |       |       |
|---------------------------------------|----------|---|-------|-------|
|                                       |          | Trips per Unit or Percent <sup>(1)</sup>          | Units | Trips |
| AM Peak Hour<br>of Adjacent<br>Street | Total    | 0.53  | 5     | 3     |
|                                       | Inbound  | 89%   |       | 3     |
|                                       | Outbound | 11%   |       | 0     |
| PM Peak Hour<br>of Adjacent<br>Street | Total    | 0.51  |       | 3     |
|                                       | Inbound  | 15%   |       | 0     |
|                                       | Outbound | 85%   |       | 3     |

Notes:

(1) Source: Institute of Transportation Engineers, *Trip Generation Manual 10<sup>th</sup> Edition*, 2008.

Project trips were distributed and assigned based on existing traffic patterns as estimated from the traffic counts. The trip distribution pattern based on existing traffic patterns in the study area is summarized in Table 6. The resulting traffic assignments are shown as Attachment F.

<sup>11</sup> Institute of Transportation Engineers, *Trip Generation Handbook*, Washington, D.C., 2004, p. 7-12

<sup>12</sup> Institute of Transportation Engineers, *Trip Generation, 8<sup>th</sup> Edition*, Washington, D.C., 2003



**Table 6**  
**Trip Distribution**

| To/From           | AM Peak Hour |          | PM Peak Hour |          |
|-------------------|--------------|----------|--------------|----------|
|                   | Inbound      | Outbound | Inbound      | Outbound |
| Waiale Road North | 35%          | 35%      | 35%          | 35%      |
| Waiale Road South | 65%          | 65%      | 65%          | 65%      |
| Totals            | 100%         | 100%     | 100%         | 100%     |

#### L. Background Plus Project Projections

Background plus project traffic projections were estimated by superimposing the peak hourly traffic generated by the proposed action on the background (without project) peak hour traffic projections. This assumes that the peak hourly trips generated by the project coincide with the peak hour of the adjacent street. This represents a worse-case condition as it assumes that the peak hours of the intersections coincide with the the peak hour of the study project. The resulting background plus project peak hour traffic projections are shown in Attachment F.

#### M. Traffic Impact Assessment

The traffic impacts of the project was assessed by analyzing the changes in traffic volumes and levels-of-service at the study intersection as a result of project generated traffic.

##### *Changes in Total Intersection Volumes*

An analysis of the project's share of 2018 background plus project intersection approach volumes at the study intersections is summarized in Table 7. The table summarizes the project's share of total 2018 peak hour approach volumes. Also shown are the percentages of 2018 background plus project traffic that is the result of background growth and traffic generated by related projects. The conclusion of this analysis is that project generated traffic will represent 0.2 percent of the morning peak hour traffic and 0.2 percent of the afternoon peak hour traffic. Project generated traffic will represent significantly less than the 3 percent threshold required by State of Hawaii Department of Transportation to include the intersection in the TIAR and confirms the study area.

**Table 7**  
**Analysis of Project's Share of Total Intersection Approach Volumes <sup>(1)</sup>**

| Intersection                | Period | 2015 Existing | 2018 Background | 2018 Background Plus Project | Background Growth |   | Project Traffic |   |
|-----------------------------|--------|---------------|-----------------|------------------------------|-------------------|---|-----------------|---|
|                             |        |               |                 |                              | Trips             | Percent of Total Traffic <sup>(2)</sup> | Trips           | Percent of Total Traffic <sup>(2)</sup> |
| Waiale Road at Kaohu Street | AM     | 1235          | 1552            | 1555                         | 317               | 20.4%                                   | 3               | 0.2%                                    |
|                             | PM     | 1261          | 1697            | 1700                         | 436               | 25.6%                                   | 3               | 0.2%                                    |

Notes:

(1) Volumes shown are total intersection approach volumes or projections.

(2) Percentage of total 2020 background plus project traffic.

### Level-of-Service Analysis

The level-of-service analysis was performed for "without project" and "with project" conditions. The incremental difference the two conditions quantifies the impacts of the project generated traffic. The results of the level-of-service analysis are summarized in Table 8. Shown are the delays and levels-of-service of the overall intersection and each controlled lane group. The methodology for unsignalized intersections does not estimate delays and levels-of-service for uncontrolled movements. Also shown in the table are the estimated 95<sup>th</sup> percentile queue lengths without and with project generated traffic. The queue lengths shown in the table are estimated vehicles using an average vehicle length of 25 feet.

**Table 8**  
**2018 Levels-of-Service - Unsignalized Intersections**

| Intersection & Lane Group              | AM Peak Hour                   |                    |                                       |                             |          |                        | PM Peak Hour                   |          |                        |                             |          |                        |
|--|--------------------------------|--------------------|---------------------------------------|-----------------------------|----------|------------------------|--------------------------------|----------|------------------------|-----------------------------|----------|------------------------|
|  | Without Project <sup>(1)</sup> |                    |                                       | With Project <sup>(3)</sup> |          |                        | Without Project <sup>(2)</sup> |          |                        | With Project <sup>(4)</sup> |          |                        |
|  | Delay <sup>(5)</sup>           | LOS <sup>(6)</sup> | 95 <sup>th</sup> Queue <sup>(7)</sup> | Delay                       | LOS      | 95 <sup>th</sup> Queue | Delay                          | LOS      | 95 <sup>th</sup> Queue | Delay                       | LOS      | 95 <sup>th</sup> Queue |
| <b>1 - Waiale Road at Kaohu Street</b> | <b>87.8</b>                    | <b>F</b>           | <b>NC</b>                             | <b>88.6</b>                 | <b>F</b> | <b>NC</b>              | <b>134.1</b>                   | <b>F</b> | <b>NC</b>              | <b>134.8</b>                | <b>F</b> | <b>NC</b>              |
| Eastbound Left                         | 11.7                           | B                  | NC                                    | 11.7                        | B        | NC                     | 11.1                           | B        | NC                     | 11.1                        | B        | NC                     |
| Eastbound Thru & Right                 | 12.7                           | B                  | NC                                    | 12.7                        | B        | NC                     | 14.1                           | B        | NC                     | 14.2                        | B        | NC                     |
| Westbound Thru & Right                 | 11.4                           | B                  | NC                                    | 11.4                        | B        | NC                     | 11.0                           | B        | NC                     | 11.0                        | B        | NC                     |
| Northbound Left & Thru                 | 125.0                          | F                  | NC                                    | 126.4                       | F        | NC                     | 96.7                           | F        | NC                     | 97.5                        | F        | NC                     |
| Southbound Left, Thru & Right          | 78.5                           | F                  | NC                                    | 79.0                        | F        | NC                     | 204.6                          | F        | NC                     | 205.8                       | F        | NC                     |
| <b>2 - Waiale Road at Connector</b>    | <b>0.3</b>                     | <b>A</b>           | <b>NC</b>                             | <b>0.3</b>                  | <b>A</b> | <b>NC</b>              | <b>0.3</b>                     | <b>A</b> | <b>NC</b>              | <b>0.3</b>                  | <b>A</b> | <b>NC</b>              |
| Eastbound Left                         | 32.7                           | D                  | <1                                    | 32.8                        | D        | <1                     | 44.9                           | E        | <1                     | 45.0                        | E        | <1                     |
| <b>3 - Olulua Drive at Connector</b>   | <b>3.0</b>                     | <b>A</b>           | <b>NC</b>                             | <b>3.0</b>                  | <b>A</b> | <b>NC</b>              | <b>4.6</b>                     | <b>A</b> | <b>NC</b>              | <b>4.6</b>                  | <b>A</b> | <b>NC</b>              |
| Westbound Left & Thru                  | 3.3                            | A                  | <1                                    | 3.3                         | A        | <1                     | 4.3                            | A        | <1                     | 4.3                         | A        | <1                     |
| Northbound Right                       | 8.4                            | A                  | <1                                    | 8.4                         | A        | <1                     | 8.4                            | A        | <1                     | 8.4                         | A        | <1                     |

**NOTES:**

- (1) See Appendix H for Level-of-Service Worksheets for 2020 background AM peak hour traffic conditions without project.
- (2) See Appendix I for Level-of-Service Worksheets for 2020 background PM peak hour traffic conditions without project.
- (3) Delay is in seconds per vehicle.
- (4) Level-of-Service calculated using the operations method described in *Highway Capacity Manual*. Level-of-Service is based on delay.
- (5) 95<sup>th</sup> percentile queue in vehicles.
- (6) NC = Not Calculated

The conclusions of the level-of-service analysis of the intersection of Waiale Road and Kaohu Street are:

1. The overall intersection of Waiale Road at Kaohu Street will operate at Level-of-Service F during both peak hours, without and with project traffic.
2. The eastbound approach of Kaohu Street will operate at Level-of-Service B during both peak periods, without and with project traffic. There is no change in the delay of any lane group during the morning peak hour. The delay of the eastbound through and right lane group will increase 0.1 second during the afternoon peak hour.
3. The westbound approach of Olulua Drive will operate at Level-of-Service B during both peak periods, without and with project traffic. There is no changes in the delay on as a result of project traffic.

4. The northbound approach will operate at Level-of-Service F during both peak periods, without and with project traffic. Delay will increase 1.4 seconds during the morning peak hour and 0.8 second during the afternoon peak hour.
5. The southbound approach will operate at Level-of-Service F during both peak periods, without and with project traffic. Delay will increase 0.5 second during the morning peak hour and 1.2 during the afternoon peak hour.

#### **N. Mitigation**

Based on the standards discussed in Section I, no mitigation is recommended to accommodate project generated traffic. There are no changes in the level-of-service of any lane group as a result of project generated traffic. Increases in delay are minimal. The largest increase in delay is 1.4 seconds per vehicle.

#### **O. Summary and Recommendations**

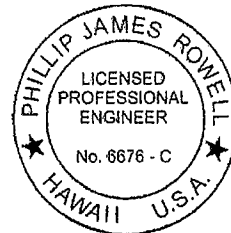
1. The proposed action is the reuse of an existing building at 293 Waiale Road. The building will be reused as a real estate office. Based on the information provided, it is understood that there will be two (2) full-time employees and three (3) part-time employees in the building. It is also understood that the building will be primarily used for bookkeeping, records storage and administrative support for the company.
2. Access and egress will be provided by an existing driveway along the north side of Kaohu Street west of Waiale Road.
3. The trip generation analysis estimated that the proposed action will generate 3 trips during the morning peak hour and 3 trips during the afternoon peak hour.
4. The level-of-service analysis of the intersection of Waiale Road and Kaohu Street are:
  - a. The overall intersection of Waiale Road at Kaohu Street will operate at Level-of-Service F during both peak hours, without and with project traffic.
  - b. The eastbound approach of Kaohu Street will operate at Level-of-Service B during both peak periods, without and with project traffic. There is no change in the delay of any lane group during the morning peak hour. The delay of the eastbound through and right lane group will increase 0.1 second during the afternoon peak hour.
  - c. The westbound approach of Olulua Drive will operate at Level-of-Service B during both peak periods, without and with project traffic. There is no changes in the delay on as a result of project traffic.
  - d. The northbound approach will operate at Level-of-Service F during both peak periods, without and with project traffic. Delay will increase 1.4 seconds during the morning peak hour and 0.8 second during the afternoon peak hour.

- e. The southbound approach will operate at Level-of-Service F during both peak periods, without and with project traffic. Delay will increase 0.5 second during the morning peak hour and 1.2 during the afternoon peak hour.
5. The finding of the level-of-service analysis is that the intersection of Waiale Road at Kaohu Street will operate below the accepted level-of-service, but not as a result of project generated traffic. The unacceptable level-of-service is the result of background traffic growth and traffic generated by other known development projects in the vicinity. Project generated traffic increases estimated traffic projection 0.2 percent.
6. Based on the standards discussed in Section I, no mitigation is recommended to accommodate project generated traffic. There are no changes in the level-of-service of any lane group as a result of project generated traffic. Increases in delay are minimal. The largest increase in delay is 1.4 seconds per vehicle.

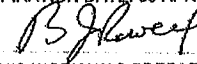
Respectfully submitted,  
**TPHILLIP ROWELL AND ASSOCIATES**



Phillip J. Rowell, P.E.  
Principal



EXPIRATION DATE: 30 APRIL 2018



THIS WORK WAS PREPARED BY  
ME OR UNDER MY DIRECT SUPERVISION



### **List of Attachments**

- A. Project Site Plan
- B. Aerial Photograph of Study Intersection
- C. Existing Intersection Lane Configurations and Right-of-Way Controls and Existing Peak Hour Traffic Volumes
- D. Level-of-Service Worksheets for Existing (2015) Peak hour Traffic Volumes
- E. 2015 to 2018 Background Traffic Growth and Trip Assignments for Other Known Development Projects
- F. 2018 Peak Hour Traffic Projections without Project Generated Traffic, Project Trip Assignments and 2018 Peak Hour Traffic Projections with Project Generated Traffic
- G. Level-of-Service Worksheets for 2018 Background Traffic Projections without Project Generated Traffic
- H. Level-of-Service Worksheets for 2018 Background Traffic Projections with Project Generated Traffic

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TRANSCRIPT OF  
AUDIOTAPED PROCEEDINGS  
RE MAUI PLANNING COMMISSION  
HELD ON FEBRUARY 14, 2017

TRANSCRIBED BY: Michelle Kowalsky, CSR  
Registered Professional Reporter

1                   MR. GIROUX: This is the meeting of the  
2 Maui Planning Commission. My name is James Giroux. I'm  
3 with corporation counsel. I'm opening this meeting  
4 because we have bare quorum, and our chair and our  
5 co-chair are missing. So we're going to have to start  
6 with a vote for a chair pro tem, and once we get that,  
7 then we can start with the formalities of our meeting.

8                   So is there any nominations for chair pro tem?

9                   UNIDENTIFIED SPEAKER: I nominate Keaka  
10 Robinson.

11                   UNIDENTIFIED SPEAKER: Second.

12                   UNIDENTIFIED SPEAKER: Second.

13                   UNIDENTIFIED SPEAKER: Second.

14                   MR. GIROUX: Okay. We have three seconds.  
15 Let's see. Is there any other nominations? I see none.

16                   We have a closed nominations, and we'll take the  
17 vote. The motion is to nominate Mr. Keaka Robinson for  
18 chair pro tem for this meeting.

19                   All in favor?

20                   MULTIPLE SPEAKERS: Aye.

21                   MR. GIROUX: It's unanimous. Mr. Keaka will  
22 take the chair, and he's going to have to use the  
23 hammer.

24                   MR. ROBINSON: Good morning, everyone.

25                   MR. SPENCE: Good morning, Mr. Chairman.

1 MR. ROBINSON: Please excuse -- please  
2 excuse us if anything is out of order. This is my first  
3 attempt at trying to be pro tem. Hopefully my last.

4 At this time we will -- we'll begin by taking public  
5 testimony. And after public testimony, commissioners  
6 is -- we have one of our applicants that wishes to  
7 relinquish their place in line, and the other applicant  
8 is -- wish to take their steps. So we'll go from --

9 MR. GIROUX: C-1 to C-2.

10 MR. ROBINSON: From C-1 to C-2. And C-2  
11 would be then in first place.

12 Would you folks have any objections to that? I see  
13 no objections. Continue with that.

14 For people in the audience, first thing is can you  
15 please silence your cell phones if you have one on you.

16 Second, if you're able to testify now, if you feel  
17 that you'll not be here when your -- when your item  
18 comes up, seeing too -- probably thinks that we don't  
19 need that.

20 So I would ask is there anybody at this time that  
21 would like to have -- would like to use the floor for  
22 public testimony? I see none, we will continue with  
23 item C-2.

24 Mrs. -- Ms. Jacqueline Cummings requesting a Land Use  
25 Commission Special Permit and a bed and breakfast home



1 permit to operate Haiku Gardens Cottage and Breakfast.

2 MR. QUIGLESS: Aloha and good morning --

3 MR. ROBINSON: Morning.

4 MR. QUIGLESS: -- director, chair, and  
5 commissioners. My name is Ryan Quigless, planner with  
6 the Maui Planning Department.

7 We meet here today to discuss an application to  
8 obtain a State Land Use Commission Special Permit and a  
9 bed and breakfast home permit to operate a bed and  
10 breakfast home in state and county agricultural district  
11 on approximately two acres of land, located at 1089  
12 Nanihoku Place, Haiku, Maui.

13 I'll give you a brief history about the project. The  
14 applicant is requesting a B&B permit to operate a bed  
15 and breakfast home in two separate dwellings. Three  
16 bedrooms total will be available for guests, and one of  
17 the four bedrooms will be reserved for the owner.

18 The applicant has an approved and implemented farm  
19 plan filed with the county that comprises approximately  
20 75 percent of the total acreage of the property. The  
21 cottages are located in a quiet neighborhood, and the  
22 applicant intends to make sure that the character and  
23 quiet appeal of the community is maintained.

24 MR. GIROUX: Kind sir, we just lost our  
25 quorums. Can we just take a little short break?

1 MR. SPENCE: Everybody, Happy Valentine's  
2 Day.

3 MR. QUIGLESS: Okay. I'll take it back  
4 to -- again, Ryan Quigless, planner with the Maui County  
5 Planning Department. I'll take it back to the brief  
6 history of the project.

7 The applicant's requesting a B&B permit to operate a  
8 bed and breakfast home in two separate dwellings. Three  
9 of the bedrooms will be available for guests, and one of  
10 the four bedrooms will be reserved for the owner.

11 The applicant has an approved and implemented farm  
12 plan filed with the county that comprises approximately  
13 75 percent of the total acreage of the property. The  
14 cottages are located in a quiet neighborhood, and the  
15 applicant intends to make sure that the character and  
16 quiet appeal of the community is maintained.

17 There's sufficient parking on the property to  
18 accommodate the minimum number of stalls required by the  
19 county. The applicant plans to accommodate traveling  
20 families primarily and has posted house policies that  
21 respectfully include quiet hours between the hours of  
22 9:00 p.m. and 8:00 a.m.

23 The applicant has stated throughout the written  
24 description of the proposed bed and breakfast that the  
25 intention and goal for visitors is to provide rest and

1 relaxation for the guests while improving the visitor's  
2 experience of Maui.

3 Based on the evidence provided by the applicant and  
4 validated by an onsite visit to the property on November  
5 23rd, 2016, the department can comfortably confirm that  
6 the goal and intention of this proposed bed and  
7 breakfast can be achieved.

8 And at this time I'd like to present a brief  
9 PowerPoint presentation of the property to support the  
10 findings by the department.

11 This is an overview of the property location, 1089  
12 Nanihoku Place in Haiku, North Shore. Here's a  
13 satellite image showing you the surrounding context, its  
14 agriculture, both state and county. Here's a site plan  
15 and parking plan showing you the layout of the property.

16 This is the secondary entrance to the property, which  
17 the guest will be using. There's two entrances to the  
18 property. There's one for the main house and then  
19 there's one for the rental property.

20 These are an overview of the property and the farm.  
21 As I stated earlier, the quiet hours are noted in the  
22 house policy, and parental supervision that's required  
23 for children also noted in the house policy.

24 Examples of the variety of different fruit trees that  
25 they have on the property. There's a landscaped visual

1 buffer and sound buffer over 360 degrees of the property  
2 so the -- that will help buffer the sound and any noise  
3 that travels to the neighbors.

4 As you can see here, the interior of the house is  
5 beautiful. It's well maintained, well designed. All  
6 the safety issues have been addressed. Here's some  
7 photos of the bedrooms themselves.

8 Here are a few examples of the safety features,  
9 posted evacuation routes for the guests. Fire  
10 extinguishers available, easily located. Smoke alarms  
11 in every room, and, again, the posted house policies.

12 There's one other existing permit B&B within 500 feet  
13 next door, and that's why we're here today. There are  
14 38 permitted B&Bs as of December 14, 2016, and the cap  
15 for the Haiku community is 88.

16 At this time there's been no neighbor opposition.  
17 House policies emphasize the quiet hours and the respect  
18 for the agricultural, residential nature of the  
19 community.

20 Speed limits are strongly enforced. Responsible  
21 driving will be communicated to the guests upon arrival  
22 and also posted in the house policies.

23 As shown earlier, the landscaping minimizes the audio  
24 and visual disturbances, and no disturbed -- noise  
25 disturbances or reports have been filed with the Maui



1 Police Department.

2 Director, chair, and commissioners, are there any  
3 questions that you have for either myself or the  
4 applicant at this time?

5 MR. ROBINSON: Before we turn that over to  
6 questions, the commission would like to see if there's  
7 any public testimony at this time of anybody would like  
8 to make any comments? I see none.

9 Floor is to you, commissioners, if you have any  
10 questions for the applicant. Commissioner Canto.

11 MS. CANTO: My question is -- you have one  
12 neighbor that's within 500 feet. Is there any written  
13 documentation that there's no problem for them?

14 MR. QUIGLESS: We haven't received anything  
15 from the planning department, no letters of opposition.  
16 The sign was posted for 45 days notifying the  
17 neighborhood of the intent to file. I believe that the  
18 neighbors are in communication. I don't -- I've never  
19 been told of any disagreements or lack of communication  
20 between the neighbors. It's a very tight-knit  
21 community.

22 MS. CANTO: Okay. So we're going with word  
23 of mouth that it's okay?

24 MR. QUIGLESS: The owner is here. Would you  
25 like to speak with her?

1 MS. CANTO: Yes, please.

2 MR. QUIGLESS: She wants to know if there  
3 are any problems --

4 MS. CANTO: Hi. So my question to the  
5 gentleman was: Because we're aware of one residence  
6 close by within 500 feet and there's no documentation  
7 from them saying that they're okay with, you know -- are  
8 we going -- is the county going to go with the word that  
9 it's okay?

10 MR. ROBINSON: Excuse me. I apologize.  
11 Ms. -- can you please identify yourself before tes --

12 MS. CUMMINGS: Sure.

13 MR. ROBINSON: Thank you.

14 MS. CUMMINGS: Hi. I'm Jacqueline Cummings,  
15 and I'm the -- one of the owners of that land.  
16 Basically, he is a friend of ours -- Mr. Gotell  
17 (phonetic). And we actually sold him the land that he's  
18 on, that he does a vacation rental with, and we're in  
19 communication constantly, all the time. So he was happy  
20 for us that we were doing it, and we've not had a  
21 problem. And he's far enough away even though -- within  
22 the 500 feet that there's no impact at all on either one  
23 of us, so.

24 MS. CANTO: Okay. Thank you.

25 MR. ROBINSON: Thank you.

1       Commissioners, I'd like to point out something, and  
2       if you can help with us is -- we actually are looking at  
3       two approvals here; is that correct? We have a SUP2 as  
4       well as a...

5               MR. GIROUX: That's correct.

6               MR. ROBINSON: All right. I just wanted to  
7       make sure you guys knew that.

8       Commissioners, any other questions?

9       I have one, please. What was the use of the  
10      property, currently?

11              MR. QUIGLESS: Currently, residential with  
12      an approved and implemented farm plan with the county.  
13      So no bed and breakfast operation, just residential on  
14      ag.

15              MR. ROBINSON: So as on ag, they're allowed  
16      to have a second home, correct?

17              MR. QUIGLESS: Correct.

18              MR. ROBINSON: And in that second home, was  
19      there a long-term rental in that location?

20              MR. QUIGLESS: I believe it was occupied by  
21      the family the entire time that it was owned until the  
22      filing for the B&B.

23              MR. ROBINSON: So can we assume that the  
24      property's going to go from family use to bed and  
25      breakfast use. It's not going to go from long-term

1 rental to bed and breakfast use?

2 MR. QUIGLESS: That -- I believe that's  
3 correct, yeah.

4 MR. ROBINSON: Is -- can you verify that for  
5 me, please?

6 MR. QUIGLESS: The owner says that that's  
7 correct.

8 MR. ROBINSON: Okay. Thank you. Do we have  
9 a motion on the floor?

10 MR. SPENCE: Do you want to hear the  
11 recommendation?

12 MR. ROBINSON: Oh, I'm sorry. I apologize.  
13 Could we please have a recommendation from the  
14 county?

15 MR. QUIGLESS: So based on the information  
16 provided, the department recommends approval of the  
17 proposed bed and breakfast subject to the department's  
18 17 standard conditions pertaining to bed and breakfast  
19 permits.

20 Chair and commissioners, would you like me to go over  
21 those conditions at this time?

22 MR. ROBINSON: We waive that at this time.  
23 Thank you.

24 MR. QUIGLESS: I have nothing else.

25 MR. HUDSON: Approve as is.



1 MS. CANTO: I'll second that.

2 MR. ROBINSON: We have a motion by  
3 Commissioner Hudson. A second by Commissioner Canto.

4 MR. GIROUX: That's going to include both  
5 permits -- the motion?

6 MR. HUDSON: That is correct.

7 MR. ROBINSON: Including both permits.

8 Discussion on the motion anyone?

9 At this time we'll call for a vote. All those in  
10 favor of the recommendation?

11 MR. SPENCE: That's four ayes.

12 MR. ROBINSON: I will -- one second, please.  
13 Commissioner Higashi.

14 MR. HIGASHI: Just for the record, I think  
15 we need the director's recommendation from the planning  
16 department as to this application, and then we vote on  
17 it.

18 MR. ROBINSON: You're probably right.

19 MR. SPENCE: We -- commissioners, we did  
20 make the recommendation of board approval with standard  
21 conditions that would apply to all bed and breakfasts.

22 MR. ROBINSON: Okay. I have a question for  
23 you before I place my vote.

24 MR. QUIGLESS: Yes, sir.

25 MR. ROBINSON: I notice that there's a

1 current TAT license on this property. Can you explain  
2 what that TAT license is used for?

3 MR. QUIGLESS: I believe that that license  
4 is required when this -- when the applicant submits for  
5 the application. I don't -- I think that's part of the  
6 entire package.

7 MR. ROBINSON: Yeah. I guess my question  
8 was used prior to -- to getting this permit. They just  
9 received this --

10 MR. QUIGLESS: All of the --

11 MR. ROBINSON: -- license --

12 MR. QUIGLESS: -- applicants prior to that  
13 when the applicants submit it.

14 MR. ROBINSON: Okay. I'm going to go ahead  
15 and also vote to approve this as recommended by the  
16 counsel -- by the planning commission.

17 MR. SPENCE: Commissioners, that's five  
18 votes. Motion carried.

19 MR. QUIGLESS: Thank you very much for your  
20 time.

21 MR. ROBINSON: Thank you.

22 At this time I'd like to take a five-minute recess.  
23 Thank you.

24 (There was a break in the proceedings.)

25 MR. ROBINSON: Planning commission will come

1 back to order. We are now on item C-1. Mr. Michael  
2 Spalding of Kaohu LLC requesting a Conditional Permit  
3 for the proposed reuse of an existing residential home  
4 as a real estate office in the R-2 Residential District.

5 MS. FURUKAWA: Okay. Good morning,  
6 commissioners. My name is Tara Furukawa. I'm staff  
7 planner with the planning department.

8 The item is under your review because the applicant  
9 is requesting a Conditional Permit for Kaohu LLC for the  
10 adaptive reuse of an existing 1,280 square foot,  
11 single-family residential house as an office for Michael  
12 Spalding's commercial real estate business. Okay.

13 Michael Spalding Realty Inc. is a family-owned and  
14 -operated commercial real estate sales, lease, and  
15 property management company that has been in operation  
16 since 1979. Yeah, okay.

17 Currently, there are two full time and three  
18 part-time employees. Spalding's wife and two daughters  
19 work for the business.

20 The proposed office space will be used for  
21 administrative support, bookkeeping, and records  
22 storage. Okay. Thank you.

23 The land use designations for this property are as  
24 follows: State Land Use District, urban;  
25 Wailuku-Kahului Community Plan, single family; County

1 Zoning, R-2 Residential; Maui Island Plan, Urban Growth  
2 Boundary; and it's outside the Special Management Area.

3 In this case the Conditional Permit is required  
4 because the underlying zoning is R-2 Residential and the  
5 proposed use is not permitted nor would it qualify for a  
6 Special Use Permit.

7 The planning commission must make a recommendation to  
8 the Maui County Council to either approve or deny the  
9 conditional permit for the proposed project.

10 The house, which is built in 1951, is located in  
11 Wailuku. It's at the corner of Kaohu Street and Waiale  
12 Road, just west of the Sandhills residential  
13 subdivision. Okay.

14 As you can see from the aerial photo, the lot on  
15 which the house was built lies amidst public --  
16 quasi-public commercial and residential uses.

17 MR. ROBINSON: Can you please repeat what  
18 it's next to?

19 MS. FURUKAWA: Okay, sorry. It's right next  
20 to Island Appraisal. It's at the corner of Kaohu Street  
21 and Waiale Road. And then Kealoha Construction is two  
22 doors down. Across the street is the county base yard  
23 and Kaohu store. Adjacent to the site is Parcel 8, the  
24 site of Island Appraisal, and it's also owned by Kaohu  
25 LLC and leased by Island Appraisal.

1       The lot itself is 3,600 square feet. It's accessible  
2 via Kaohu Street. And the applicant has a reciprocal  
3 easement for access of the driveway through Parcel 8.

4       The proposed office consists of a foyer, five rooms  
5 for office space, a kitchen, bathroom, office  
6 bath/utility space, and a two-car garage. And these are  
7 just photos of the -- of the property. So east of the  
8 house is Sandhills. West of the house is the appraisal  
9 building. South of the house is the parking lot and  
10 yard and the view of Waiale Road and Kaohu Street  
11 intersection. And then view north of the house are  
12 existing single-family residences.

13       So there's a parking space to the side and rear of  
14 the structure -- a third parking space, and then the two  
15 other parking spaces underneath the house. The front  
16 lawn of the home is grass. And the property set back  
17 from Waiale Road by a barbed wire fence and landscaping  
18 that includes ti leaf, a lime tree, croton plants,  
19 puakenikeni, jabong tree, and Surinam cherry bush. And  
20 there are two large mango trees in the parking lot that  
21 also provide ground cover. Okay. Okay. Sorry. Okay.

22       So that's the -- the site plan with the house, and  
23 then Parcel 8 on the side showing the six parking  
24 spaces, the two large mango trees. And then this is the  
25 office space -- the proposed office space.



1       Okay. So a Traffic Impact Assessment Report was  
2 completed by Phil Rowell and Associates. And as a  
3 result of the proposed use, there will be three more  
4 trips in the morning, three more trips in the afternoon.  
5 There will be no change to the existing level of  
6 service, and no mitigation is recommended.

7       The project assessment report was sent out for agency  
8 review. As far as water is concerned, the property is  
9 serviced by the Central Maui Water System. It has a  
10 5/8-inch water meter.

11       There are several fire hydrants nearby at 185 Waiale  
12 Road, across the street near the county baseyard  
13 entrance and at the corner of the Church of the Living  
14 God.

15       The Department of Water Supply did not have any  
16 comment.

17       The Department of Environmental Management Wastewater  
18 Division said that wastewater capacity is available.  
19 The developer shall pay assessment fees, and wastewater  
20 contribution calculations are required before the  
21 building permit is issued. Non-contact cooling water  
22 and condensation should not drain to the wastewater  
23 system.

24       As far as drainage, there was no comment from the  
25 Department of Public Works.

1       There's a grated inlet located in the northern  
2       portion of the parking lot that sufficiently  
3       accommodates runoff. Runoff flows south to north to the  
4       inlet. And no development is proposed that would impact  
5       the existing drainage conditions.

6       As far as roadways, the Department of Public Works  
7       had no comment.

8       As previously mentioned, ingress and egress will be  
9       off of Kaohu Street. And based on the level of service  
10      analysis by Phil Rowell, no mitigation is recommended.

11      This concludes the department's presentation. And  
12      the applicant and his daughters are here to speak more  
13      about the family business.

14               MR. SPALDING: Greetings, planning  
15      commission members, member of the county planning  
16      department, and Will Spence. Thank you for being here  
17      and your service to the community.

18      I was born on Oahu and moved to Maui in --

19               MR. ROBINSON: Excuse me, Mr. Spalding.

20               MR. SPALDING: Yes?

21               MR. ROBINSON: Introduce yourself.

22               MR. SPALDING: Oh, Michael Spalding. I'm  
23      the owner of Michael Spalding Realty, a family business.

24      I opened my real estate business in 1979 on Kaohu  
25      Street just down the road here. And I've been

1 concentrating on commercial real estate ever since.

2 I've been in the business for 38 years.

3 Our family is -- owns and operates commercial  
4 buildings, and we are a family business. And we had  
5 been renting space in Wailuku. And our lease came up,  
6 and the opportunity to purchase this building came up  
7 from the Murata (phonetic) family, and we acquired it  
8 June 9th in 2015 to create a sustainable location for  
9 our business.

10 We are part of the Maui community. My daughters were  
11 raised here. I'm on the Na Hale O Maui board. We try  
12 to provide low-cost housing to the community. And also  
13 on several other boards that affect things here in the  
14 state.

15 We are requesting a ten-year Conditional Use Permit  
16 to operate our business in this location. And I'd like  
17 to introduce Nicole Spalding, my daughter, to tell us a  
18 little bit more about the business. And after the  
19 presentation, I'll be -- we'll take whatever questions  
20 you have.

21 MS. N. SPALDING: Good morning, planning  
22 commission members. I've been fortunate enough to  
23 work --

24 MR. ROBINSON: Please introduce yourself.

25 MS. N. SPALDING: Oh, I'm Nicole Spalding,

1 his daughter. I've been fortunate enough to work for  
2 our family business since 2008. I'm involved with the  
3 property maintenance and repairs as well as commercial  
4 leasing for our properties and for other clients. We  
5 provide a variety of businesses with commercial space to  
6 operate their business.

7 I'm an alternate trustee for the Cooke Foundation.  
8 I'm a Wailuku rotary member, and I sit on the Ka Hale A  
9 Ke Ola homeless shelter board.

10 Having this office would be great for our family and  
11 for our business. Thank you for your time. I'd like to  
12 introduce my sister, Lauren Spalding.

13 MS. L. SPALDING: I'm Lauren Spalding.  
14 Aloha, planning commission.

15 So we work with local businesses and local people and  
16 leasing spaces. We do have some low income or  
17 affordable housing rental units up in Haiku also, but --  
18 and we do property management, maintenance, interacting  
19 with our tenants.

20 And it's -- it's a pleasure to be able to be born and  
21 raised on Maui and to be able to work here and be a part  
22 of a business that I feel supports the community as  
23 well. Thank you.

24 MR. SPALDING: Anybody have any questions  
25 for any of us?

1 MR. ROBINSON: At this time would anybody  
2 like to -- any public testimony regarding this subject?

3 Please introduce yourself, and you have three  
4 minutes.

5 MR. SHISHIDO: Three minutes? Good morning.

6 MR. ROBINSON: Good morning.

7 MR. SHISHIDO: My name is Allan Shishido.  
8 I'm a real estate appraiser, and I'm doing business as  
9 Island Appraisals, which is on the map.

10 We currently occupy the office building adjacent to  
11 the property that is the subject of this hearing. We  
12 have been at this location for over 25 years now. Our  
13 office is located at the corner of Kaohu Street and  
14 Waiale Road.

15 Over the years we have seen traffic getting busier  
16 and busier on Waiale Road, due mainly to the development  
17 in the Kehalani and Waikapu area. Traffic on Kaohu  
18 Street has remained relatively constant; however,  
19 traffic is not a major concern.

20 There is a four-way stop at the intersection of Kaohu  
21 Street And Waiale Road, which helps with the safe flow  
22 of traffic. Getting in and out of our office has never  
23 been a problem. Our location is very convenient. We're  
24 located close to the county building, banks, medical  
25 facilities, and other businesses.



1 I am in favor of this Conditional Use Permit and feel  
2 that the present dwelling locations better suited for  
3 office use due to its small lot size and proximity to a  
4 busy road. Also, the site is adjacent to properties  
5 which are in business use. Thank you.

6 MR. ROBINSON: Thank you.

7 Any questions, commissioners? I see none.

8 Anybody else like to testify? I see none.

9 Public testimony is closed.

10 Commissioners, do you have any questions for the  
11 applicant? I see none.

12 Would you like to give your recommendation, please.

13 MS. FURUKAWA: The application comprise of  
14 the applicable standards for a Conditional Permit. And,  
15 as such, the department recommends approval based on  
16 five standard conditions. The Conditional Permit shall  
17 be valid for a period of five years. The applicant is  
18 requesting ten.

19 The Conditional Permit shall not be transferrable  
20 unless approved by the planning director or Maui  
21 Planning Commission; that Kaohu LLC shall maintain a  
22 liability policy for \$1 million, naming the County of  
23 Maui as an additional insured; that Kaohu LLC shall  
24 develop the property in substantial compliance with the  
25 representations made to the Maui County Council in

1 obtaining the Conditional Permit; and that full  
2 compliance with all applicable governmental requirements  
3 shall be rendered.

4 In consideration of the foregoing, the Maui County  
5 Planning Department recommends to the planning  
6 commission that it approve the Conditional Permit to the  
7 Maui County Council.

8 Further, that the commission authorize the planning  
9 director to transmit said recommendations and record --  
10 in record to the Maui County Council for further action.  
11 That's it.

12 MR. ROBINSON: Thank you.

13 Yes, Commissioner Canto.

14 MS. CANTO: I'd like to make a comment. You  
15 know, the Spalding ohana is well respected in this  
16 community. Everybody knows that. And having received a  
17 letter from Mr. Murata, which was the prior owner, I  
18 know that this ohana -- this Spalding ohana will honor  
19 the prior homeowner's wish.

20 And one of his wishes is that he was looking for  
21 someone who would keep the structures and refurbish them  
22 to serve as a reminder of their family's history. So  
23 that remark weighs heavily for me because it retains a  
24 sense of value as to, you know, this new establishment  
25 meeting the wishes of the prior owner.

1 I support this recommendation by the -- by the  
2 department and as well as the change from five years to  
3 ten years. I also support that.

4 MR. ROBINSON: Thank you.

5 Commissioners -- Commissioner Hedani.

6 MR. HEDANI: I echo those comments. I know  
7 the Spalding name. And I know it's a well-respected  
8 family both in central Maui as well as in Hana. And I  
9 know that they've done good things in terms of providing  
10 affordable housing or working on projects that relate to  
11 affordable housing.

12 So I think it's a plus. I think they're going to  
13 retain the building. They've got a good architectural  
14 firm working on it. And because the lot does not have  
15 access onto Waiale Street, it works in tandem -- in  
16 tandem with the commercial operations on the balance of  
17 the adjacent lot because there is an easement through  
18 there.

19 So I think the use is fitting in terms of using that  
20 access easement and having unified ownership of that  
21 property, so I would support the application.

22 MR. ROBINSON: Thank you.

23 Commissioner Higashi.

24 MR. HIGASHI: I'd like to make an amendment  
25 to that motion that we increase it to five years to ten

1 years based upon the fact that this particular company  
2 has a well-established reputation and is well respected  
3 in the community.

4 MR. ROBINSON: Commissioner Higashi, I hear  
5 you're making a motion to make it to ten years instead  
6 of five; is that correct?

7 MR. HIGASHI: Correct.

8 MR. ROBINSON: Do I have a second?

9 MS. CANTO: Second.

10 UNIDENTIFIED SPEAKER: Second.

11 MR. ROBINSON: Okay.

12 MR. SPENCE: (Indiscernible) motion first --

13 MR. ROBINSON: Is -- we're going to shove  
14 that motion -- we're going to -- until we get a main  
15 motion first for -- but if you'd like --

16 MR. HEDANI: I move --

17 MR. ROBINSON: -- you can make the motion.

18 MR. HEDANI: -- to approve the  
19 recommendation.

20 MR. ROBINSON: Okay. Seconded by  
21 Commissioner Canto.

22 Discussion?

23 Commissioner Hudson.

24 MR. HUDSON: I'll support the motion because  
25 of the closeness to other businesses, the applicant's

1 integrity in keeping the character of the area the same.

2 That being said, it's taking one less house off the  
3 market, and I'm always concerned with that. Because it  
4 seems innocuous at this level, and I'm sure it's going  
5 to be well coordinated. You guys are going to do what  
6 you guys said you guys are going to do. But I want it  
7 on record. Taking houses off the market in which we're  
8 so short already is a concern.

9 MR. ROBINSON: Thank you, Commissioner  
10 Hudson.

11 Any other commissioners?

12 I'd like to make comment for the roll, please. I  
13 know Mr. Spalding. He was actually my landlord when I  
14 started my business. He was a fantastic landlord. Did  
15 everything to help me succeed in business. Very easy to  
16 work with. The neighbor next to me was a halau, which  
17 nobody wants to give space to because the parking and  
18 the people.

19 So as far as Spaldings being a good landlord, I can  
20 testify that they have. And that goes even beyond the  
21 accomplished, you know, being a waterman, as well as his  
22 daughter, for Hawaii. I think they represent our island  
23 great.

24 Having said that, I am in line with Mr. Hudson where  
25 it's unfortunate that Wailuku has run out of commercial

1 space to rent out commercials. Commercial  
2 establishments have to look at homes that don't really  
3 fit the mold, and, therefore, are being pushed into this  
4 area. It's unfortunate that the county doesn't own a  
5 certain building on High Street to where things could  
6 happen.

7 And this is a sign of the times. And businesses are  
8 having to choose between, you know, being viable and  
9 having to ask for permits. And, in turn, we're losing  
10 another rental for our home industry. And this is just  
11 an unfortunate situation.

12 And, hopefully, county planning department figures  
13 something out in hopes that we don't have to do this  
14 anymore, because Wailuku is turning into a  
15 home-commercial area. Thank you.

16 Commissioner Hedani.

17 MR. HEDANI: I recognize the concerns about  
18 taking this particular structure out of residential use.  
19 But when I look at it, if you wanted to find somebody  
20 that's going to create housing for the people of Maui  
21 and the people of Wailuku, it's that guy. So I think  
22 it's a good investment in the future.

23 MR. ROBINSON: Thank you.

24 Anybody else?

25 Go ahead, Commissioner Castro.



1 MR. CASTRO: I concur with Commissioner  
2 Hedani. I think they'll do all the right things to  
3 eventually find a way to provide additional housing  
4 (indiscernible).

5 MR. ROBINSON: Thank you, commissioner.  
6 Yes, Commissioner Hedani.

7 MR. HEDANI: Just a clarification. The  
8 motion that was made was for approval that's recommended  
9 with the change to ten years.

10 MR. ROBINSON: That is correct. I'll have  
11 the director reiterate that before we vote. And this is  
12 also to approve to send to the Council.

13 Director.

14 MR. SPENCE: Commissioners, the way I  
15 understand the motion is it's for approval as  
16 recommended by staff with the provision for ten years  
17 instead of five.

18 MR. ROBINSON: All those in favor?

19 MR. SPENCE: That's five ayes.

20 MR. ROBINSON: Motion carries.

21 MR. SPENCE: Congratulations. So this is --  
22 this is a recommendation to counsel. And so when the  
23 minutes are ready and everything, we'll transmit it out,  
24 and they'll schedule it for their own things.

25 UNIDENTIFIED SPEAKER: Thank you.

1 UNIDENTIFIED SPEAKER: Thank you.

2 MR. ROBINSON: Do us proud.

3 Moving on, we will go to item D-1. And,  
4 unfortunately, our planning chair, Mr. Tsai, who asked  
5 for us to be on the agenda is not here today. Hopefully  
6 we can defer that to our next meeting.

7 UNIDENTIFIED SPEAKER: Sure.

8 MR. ROBINSON: Is that all right with  
9 everybody?

10 UNIDENTIFIED SPEAKER: Yeah.

11 MR. ROBINSON: Okay. Go ahead, director.

12 MR. SPENCE: Okay. Commissioners, we're on  
13 item E. This is the exception -- excuse me --  
14 acceptance of the action minutes for January 24th, 2017.

15 MR. ROBINSON: Motion to approve, Hedani.  
16 Seconded by Castro. Alls in favor? Five eyes.

17 MR. SPENCE: Item No. F-1 is a notification.  
18 So you know we have issued an emergency permit --  
19 emergency SMA permit. The Kaleialoha condos on Lower  
20 Honoapiilani Road have some sinkholes. And so -- are  
21 authorizing them to take care of that and do emergency  
22 repairs for their wall.

23 MR. ROBINSON: Is -- I think, Kaleialoha?

24 MR. SPENCE: Kale --

25 MR. ROBINSON: Kaleialoha?

1 MR. SPENCE: Yes.

2 MR. ROBINSON: I got you, director.

3 MR. SPENCE: That's okay. And items 2 and 3  
4 are your minor permit and your estimated exemption  
5 report.

6 MR. ROBINSON: Higashi. Second, Castro.

7 All in favor? Five ayes.

8 MR. SPENCE: Thank you. For your next  
9 meeting on February 28th, you're going to have three  
10 public hearings. One is for by Ms. Lorraine Grace  
11 requesting a Special Use Permit for a short-term rental  
12 home operation in Huelo.

13 Ms. Crystal Schmitt of Maui Dragon Fruit Farm  
14 requesting an amendment to her Special Use Permit and  
15 Conditional Permit to allow transient vacation rental  
16 use. And she has the dragon fruit farm and kind of very  
17 interesting operation.

18 And then your third public hearing is Ms. Robyn  
19 Kahalelehua of Centerline Solutions on behalf of Verizon  
20 Wireless wanting a County Special Use Permit for a  
21 65-foot transmitter tower on Kaupakalua Road.

22 And then you have Mr. John Dunbar requesting an  
23 unfinished business -- John Dunbar requesting a Special  
24 Use Permit for a bed and breakfast home in the ag  
25 district.

1       And then you'll have notification of another  
2       estimated Emergency Permit. That's it.

3               MR. ROBINSON: Our next meeting is scheduled  
4       for the 28th.

5       Commissioner Hedani.

6               MR. HEDANI: Just a question for the  
7       director.

8       On item F-1A, do you need a motion to waive review by  
9       the commission?

10              MR. SPENCE: No. The Emergency Permits, we  
11       just notify you that we have issued them. They will  
12       come in saying the idea behind the Emergency Permits is  
13       that you've got to do something right now, can't wait to  
14       schedule it for 30 days and et cetera, et cetera.

15       So your rules authorize me to issue Emergency  
16       Permits. And they must come in afterwards and submit  
17       the proper documentation and get the proper permits  
18       anyway if that means then coming to commission -- you  
19       know, then they do that.

20              MS. CANTO: So it's a formality?

21              MR. SPENCE: Well, it's -- they're not  
22       excused from the rest of your rules. So, I mean, if  
23       something is collapsing or something and, you know -- a  
24       building is in need of protection or something like  
25       that, you know, we need to take care of it right away.

1 You can -- but they do have to come in and get the  
2 proper permits and document everything, et cetera.

3 MR. ROBINSON: Is that -- director, if a  
4 commissioner wanted, could he request more information  
5 on the special permit?

6 MR. SPENCE: I don't see why he couldn't.

7 MR. ROBINSON: (Indiscernible). Anything  
8 else? Happy Valentine's Day, everyone. And I'll see  
9 you guys in a couple weeks.

10 MR. SPENCE: Thank you, commissioner.

11 (The audiotaped proceedings concluded.)  
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## C E R T I F I C A T E

I, Michelle Kowalsky, C.S.R., in and for the State of Hawaii, do hereby certify:

That the foregoing represents, to the best of my ability, a correct transcript of the audiotaped proceedings had in the foregoing matter;

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated: \_\_\_\_\_

*March 6, 2017*

*Michelle Kowalsky*

Michelle Kowalsky, C.S.R.  
Registered Professional Reporter



Subject: CP 2015/0009 Michael Spalding Realty

Submitted by: Alan Murata

To whom it may concern:

I would like to express my support regarding Mr. Spalding's request to operate his family's business in the old dwelling structure located on the property.

My parents were the original owners of the property. Our family lived on the adjoining property while my uncle's family lived in the subject home. Both our families were involved with our family retail/wholesale businesses (Tad's Market and Mid Pac Sales) conducted solely on the properties for over 50 yrs. After shutting down the family businesses in the mid 90's, we struggled to find tenants that were sensitive to the surrounding area; many times the bldgs were left vacant because of the lack of "proper" tenants. My cousin continued to live in the subject house after the passing of his parents; we did not charge him any rent. Maintaining the property became a burden, especially with rising costs of insurance and property taxes. After my parents' passing in 2014 and 2015, we (myself and 3 siblings), decided to sell the property because of the cash drain to upkeep the property.

In 2015, we unofficially put the property up for sale; we did not list it the conventional way because we were looking for someone who would keep the structures and re-furbish them to serve as a reminder of our family's history. Most interested parties wanted to demolish and redevelop the property because its visibility in a high traffic area would allow for higher rents. Mike Spalding was an acquaintance of my dad, and he showed interest in purchasing the property for his family business. He was not interested in demolishing and re-building; he wanted to try and re-furbish each of the bldgs to maintain the character of the property. He even wanted to keep the 2 mango trees and jabon tree that has been there from my grandparent's time. The existing tenants (friends) that we had were allowed to carry over without an increase in rent for many months. My cousin was allowed to live in his home for an additional 6 months, rent free, while Mike figured out how he could re-store the house. Mike has been accommodating to not only our family's wishes, but also to our tenant friends. We may not have gotten the best price, but Mike re-furbished the property in a way that I think would make my parents very happy. Mike's real estate business is a low key family operation, and the impact to the surrounding area is no more than when we had our business on the property. I think it's fantastic that you have an owner that wants to maintain the old historic look of Wailuku without looking to re-develop properties and maximize profits. Please consider his CUP request favorably.

Aloha-

 2/10/17