

PSLU Committee

From: Bruce Purvis <purvis.bruce@gmail.com>
Sent: Thursday, June 18, 2020 6:16 PM
To: PSLU Committee
Subject: Fwd: Kilohana Makai Workforce Housing Project

Aloha PSLU Committee members -

I thought you might be interested to see this.

A caveat... I am waiting to hear from fellow attendees whether there are any "errors and/or omissions" in this email. If there are, I'll be sure to forward them on to you.

Bruce Purvis

----- Forwarded message -----

From: **Bruce Purvis** <purvis.bruce@gmail.com>

Date: Thu, Jun 18, 2020 at 5:41 PM

Subject: Kilohana Makai Workforce Housing Project

To: <kelly.king@mauicounty.us>

Cc: Howie Kihune <howie@ainalanipacific.com>, Sandra Duvauchelle <sandy@lehuabuilders.com>, Robert Bristow <rob.keawakapu@hotmail.com>, Catherine St. John <catherine.maui@gmail.com>, Joanne OKane <jtokane2014@gmail.com>

Aloha Ms. King -

Today, the Keawakapu Views (Ponana St.) HOA Board and several other Ponana St. neighbors met with Howie Kihune, his brother, and Sandra Duvauchelle. From my point of view, the meeting went very well, and everyone had the chance to express themselves, if they so chose. We appreciated the time and information Mr. Kihune, his brother, and Ms. DuVauchelle gave us today, as the meeting turned out to be nearly two hours! I'll apologize in advance for the length of this email, but a great deal of information was shared back and forth today.

While the meeting discussion points are fresh in my mind, I wanted to share them with you, particularly since you have been such a good advocate for our community's concerns over this project.

I have copied Mr. Kihune and Ms. Duvauchelle on this email, because I want to make sure they have the opportunity (and are welcome!) to correct me if I have misstated anything in my "minutes" below. Mr. Howie... I'm sorry I don't have your brother's email, otherwise I definitely would have included him on this email list. I also copied the HOA Board members, and I have blind copied the other Ponana St. attendees, since I wasn't sure who wants their email addresses shared. But, they all can make corrections, too, if needed.

Ms. King, I will forward this email on to your colleagues on the Planning and Sustainable Land Use Committee, with the caveat that I await hearing if there are any "errors and/or omissions". If there are such changes, I will make sure they are alerted as well.

The notations in brackets [] are thoughts that came to my mind after the meeting.

1) **Walkway/Beach access.** We (from now on, the pronoun to mean "the Ponana folks"!) acknowledge that we are not in a position to make demands, but we would really like to have a "common area pathway" that could be used as a walking pathway between the streets mauka of the proposed subdivision and South Kihei Rd. (to reach the beach). Our preference is that the pathway would be in the vicinity of the current dirt path, which starts between Ponana and Ahekolo Streets (closer to Ahekolo). We understand a pathway is being considered somewhere around Lot #14, at the opposite end of the proposed subdivision, and we understand that the builders (from now on, that's meant to be Mr. Kihune, his brother, Ms. Duvauchelle) have not ruled out the possibility of

two separate pathways, leading from the mauka streets to Kihei Rd. Again, we hope that at least one pathway will be centrally located.

We understand there might be liability, on the builders' part, by putting such a centrally located pathway that would exit directly out onto the South Kihei Rd sidewalk and designated crosswalk (where there already are pedestrian walking stripes and a caution sign with blinking lights). Apparently, the builders have sought, and await, guidance from the State, as to whether such liability actually exists.

Our request, then, was that if the State indicates there is no special liability having such a centrally located pathway leading directly, or close to, to a crosswalk... then our hope is that the builders will at least consider putting at least one common area, walking pathway in the vicinity of the current one (to which we are grateful the Ferreira family has never objected!).

2) Egress from the subdivision. We understand there must be two egresses from the proposed subdivision out onto Wela St.

It is a very high hope of ours that the planned egress at the southern end of the subdivision will be able to continue on a new further extension of Wela directly out to Kilohana Rd. That would be a huge help to our traffic concerns.

The next concern we have is that the current plans (which we understand are not final) include the second egress coming out onto Wela directly opposite Ponana St. Even though Ponana St. is a private road, we know we cannot restrict traffic on our street. Yet, that said, our concern is that the egress location will make for an easy and tempting "direct shot" up Ponana St. if someone is wanting to avoid (for whatever reason) South Kihei Rd. We'd really do not want our street to become a busy thoroughfare. If that second egress were to be moved to a location either between Ponana and Ahekolo streets... or if it were moved to a

location between Ahekolo and Hoolapa streets... then such a location would be less tempting to go up one of the mauka streets - especially if an egress directly from Wela to Kilohana was an option. And if there is no exit directly to Kilohana, then re-positioning that second egress will, at least, force travel up the mauka streets to be shared among the three-four streets, rather than limited to just Ponana and/or Hoolapa. Finally, if the second egress could be put either between Ponana and Ahekolo or between Ahekolo and Hoolapa, then we proposed an option to address both #1 and #2...

If the second egress were in that new location, then [ideally with a sidewalk next to that egress] that egress could be, in effect, half of a walkway path to the beach. By doing that, the builders (again, if the State determines no special liability vis-a-vis the South Kihei Rd. crosswalk location) could save some money with having to build a walkway only between the subdivision's centrally located street and South Kihei Rd.

3) **Ohanas.** Ohanas are not allowed on Ponana St. We recognized that someone might be successful challenging that Ponana HOA rule in court if they decided to, but nonetheless, we all request that this new subdivision also have in its HOA rules that ohanas (or accessory homes, detached or unattached) are not allowed. The builders are not opposed to such a restriction, and it appears that both the builders and we are looking directly to your Planning and Sustainable Land Use Committee to make the final decision regarding ohanas and include that as one of your conditions (no accessory housing) on which this project would be approved.

4) **# of homes.** We understand that no home will be built on Lot #14, and we understand that the builders are looking to reformat the overall lot plan so as to accommodate (still) 28 individual homes. But, we were

told there is a possibility that problems with a redesign might result in only 27 homes being built, rather than 28.

5) **Landscaping.** Both the builders and we agree there are to be no African Tulip trees planted [or allowed by their HOA] in this new subdivision.

6) **Disclosure statements.** The builders have assured us that no one on the Planning and Sustainable Land Use Committee, or the Planning Commission, or the Maui Council has any personal or familial vested and/or financial interest in this project - either during the transaction of purchase from the Ferreira family or during future construction or during future sales. The builders said that such a disclosure statement indeed was made by the Planning Commission at their Nov '19 meeting.

7) **Wela St. overnight parking.** We gather that the builders and new subdivision will have no specific responsibility to eliminate overnight parking on Wela. It will be their and our responsibility to contact the police if overnight parking occurs on Wela.

8) **Maui Hill Resort sign** (sans the blue whale!). There was discussion about on whose land that sign sets. Our request to the builders is, if they have any authority over the location of the sign, to please move the sign mauka, back away from South Kihei Rd. Where it currently sets poses a major traffic hazard, because one must drive their car beyond the Stop sign AND even beyond the pedestrian crosswalk, in order to gain visibility of oncoming northbound traffic, when trying to enter South Kihei Rd. from Ala Koa St.

9) **Deed restriction.** The builders indicated that the deed restriction for these 27-28 homes would be indeed 15-year, not 30-year.

10) **Traffic study.** Mr. Kihune indicated that the traffic study was done last year, well before the COVID-19 lockdown. Because the worst traffic on South Kihei Rd is when Days Inn and Kihei Surfside/Mana Kai Maui resorts are full and Sarento's is in full tourist season mode... I neglected to ask Mr. Kihune when 'last year' the study was done... e.g., sometime in Jan-Mar (peak traffic)... or sometime in Sept-Oct (least traffic)?

That was the gist of our meeting, but this would be the time for anyone on this mailing list to acknowledge any "errors and/or omissions" in the above notes/conclusions. Please "Reply All" if I made any mistakes or omissions.

Again, Ms. King, thanks for your hard work on our behalf; and please feel free to contact me or our HOA Board if you have any questions. Meantime, I and we will look forward to the "public forum" event you are current trying to set up. We understand the next PSLU meeting is on July 16th. Will any kind of public testimony be allowed at that July 16th meeting?

Mahalo nui loa,

Bruce Purvis, M.D.
Ponana St.
Kihei