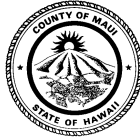


Council Chair  
Alice L. Lee

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Gabe Johnson  
Kelly Takaya King  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

June 7, 2021

The Honorable Alice L. Lee  
Council Chair  
County of Maui  
Wailuku, Hawaii 96793

Dear Chair Lee:

**SUBJECT: CHANGE IN ZONING FOR 266 DICKENSON STREET  
APARTMENTS (LAHAINA) (PSLU-19)**

May I request County Communication 18-351, from the Planning Director, transmitting a proposed bill, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 4-6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII," be placed on the next Council meeting agenda.

Sincerely,

A handwritten signature in black ink that reads "Tamara M. Paltin".

TAMARA PALTIN, Chair  
Planning and Sustainable Land Use  
Committee

pslu:ltr:019ach01:dr

Enclosure

ALAN M. ARAKAWA  
Mayor  
MICHELE CHOUTEAU MCLEAN  
Director  
JOSEPH W. ALUETA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

RECEIVED  
2018 SEP 24 AM 10:44  
OFFICE OF THE MAYOR

September 24, 2018

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

For Transmittal to:

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

RECEIVED  
2018 SEP 25 AM 9:38  
OFFICE OF THE  
COUNTY CLERK  
APPROVED FOR TRANSMITTAL  
*Alan Arakawa* 9/25/18  
Mayor Date

Dear Chair White and Members:

**SUBJECT: CHANGE OF ZONING REQUEST FOR MR. CHRISTOPHER ONDATJE  
(266 DICKENSON STREET APARTMENTS), LAHAINA,  
ISLAND OF MAUI, HAWAII, TMKS: (2) 4-6-011:011 AND 028  
(CIZ 2018/0002)**

The Department of Planning (Department) is transmitting for your review and action a Change of Zoning application (CIZ) filed by Mr. Christopher Ondatje, (Applicant, Owner and Developer), for the 266 Dickenson Street Apartments, an 8-unit apartment complex on 10,595 S.F. on land on the corner of Honoapiilani Highway and 266 Dickenson Street in Lahaina. A summary of the application is as follows:

APPLICATION SUMMARY	
Application	CIZ
Applicant	Mr. Christopher Ondatje
Tax Map Key	TMKs: (2) 4-6-011:011 and 028
Address	266 Dickenson Street, Lahaina, Hawaii
Area	~10, 595 square feet
Land Use Designations	State: Urban West Maui Community Plan: Multi-Family Title 19, Zoning: D-2 Duplex, R-2 Residential
Brief Description	CIZ from D-2 Duplex & R-2 Residential to A-2 Apartment
Public Hearing	Maui Planning Commission (MPC) on June 26, 2018 MPC vote was 5-1 in favor of a "no recommendation"
Testimony	5 favorable, 1 opposed
Recommendation	Department recommends approval; Commission referred to Council with no recommendations

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Mike White, Chair  
September 24, 2018  
Page 2

As Maui County Council (Council) approval is required for the CIZ, the Department respectfully transmits the subject application and supporting documentation for Council consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled: "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 4-6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII."
2. Land Zoning Map No. L-873;
3. Land Description No. F-030-1 (1);
4. Department's Report to the Maui Planning Commission, June 26, 2018;
5. Department's Recommendation to the Maui Planning Commission, June 26, 2018;
6. Minutes of the June 26, 2018 Commission meeting; and
7. Change of Zoning Application, date stamped 2/5/18 (Exhibit 13 of Department Report).

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

Sincerely,



MICHELE MCLEAN  
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
Paul F. Fasi, Staff Planner (PDF)  
Maui Planning Commission Members

MCM:PFF:rma

Project File

K:\WP\_DOCS\PLANNING\CIZ\2018\0002\_266DickensonStApt\CounciTrans1.doc

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

BILL NO. \_\_\_\_\_ (2018)

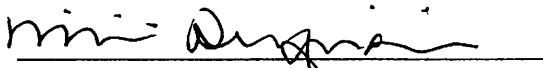
A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM D-2 DUPLEX AND R-2 RESIDENTIAL DISTRICT TO A-2 APARTMENT DISTRICT FOR PROPERTY IDENTIFIED AS TAX MAP KEYS (2) 4-6-011:011 AND (2) 4-6-011:028, LOCATED AT THE CORNER OF HONOAPIILANI HIGHWAY AND 266 DICKENSON STREET, LAHAINA, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 19.510, Maui County Code, a change in zoning from D-2 Duplex and R-2 Residential to A-2 is Apartment is hereby granted for that certain parcel of land situated at Lahaina, Maui, Hawaii, and identified for real property tax purposes as tax map keys (2) 4-6-011:011 and (2) 4-6-011:028, comprising approximately 10,597 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map No. L-873, which is attached hereto as Exhibit "B".

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

APPROVED AS TO FORM  
AND LEGALITY:

  
MIMI DESJARDINS  
Deputy Corporation Counsel  
County of Maui



## LAND DESCRIPTION

Tax Map Key (2) 4-6-011:011 and 028

Land situated at the southwest side of the intersection of Honoapiilani Highway (F.A.P. No. F-030-1 (1)) and Dickenson Street at Lahaina, Island and County of Maui, State of Hawaii.

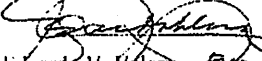
Being portion of Royal Patent 5702, Land Commission Award 5524-B, Apana 1 to Peke and Royal Patent 4475, Land Commission Award 7713, Apana 1 to Victoria Kamamalu.

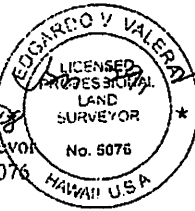
Beginning at a found Gear Spike at the westernmost corner of this parcel of land, the northernmost corner of Lot B of Arcangel Subdivision and along the south side of Dickenson Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LA'INA" being 7,468.10.4 feet South and 2,571.86 feet West and running by azimuths measured clockwise from true South (meridian of said "LA'INA"),

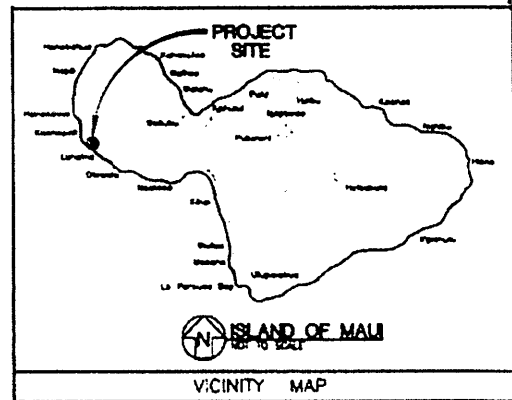
- |    |          |   |
|----|----------|---|
| 1. | 226° 15' | 108.14 feet along the south side of Dickenson Street to a ½ inch pipe; thence,                                  |
| 2. | 316° 59' | 100.00 feet along west side of Honoapiilani Highway (F.A.P. No. F-030-1 (1)) to a ½ inch pipe; thence,          |
| 3. | 46° 15'  | 102.53 feet along Aina Nalu-Condo Master, TMK: (2) 4-6-011:008 to a ½ inch pipe; thence,                        |
| 4. | 136° 15' | 27.77 feet along Lot B of Arcangel Subdivision to a ½ inch pipe; thence,  |
| 5. | 45° 32'  | 3.43 feet along the same to a ½ inch pipe; thence,  |
| 6. | 135° 32' | 72.27 feet along the same to the point of beginning and containing an area of 10,597 square feet, more or less. |

Note: This metes and bounds description has been prepared for the change in Zoning, from D-2 Two Family and R-2 Residential District to A-2 Apartment purposes only.

This work was prepared by me  
or under my direct supervision.  
VALERA, INC.

  
Edgardo V. Valera *Exp 7/18*  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 5076  
End of description.  
8229 Zoning Paunau

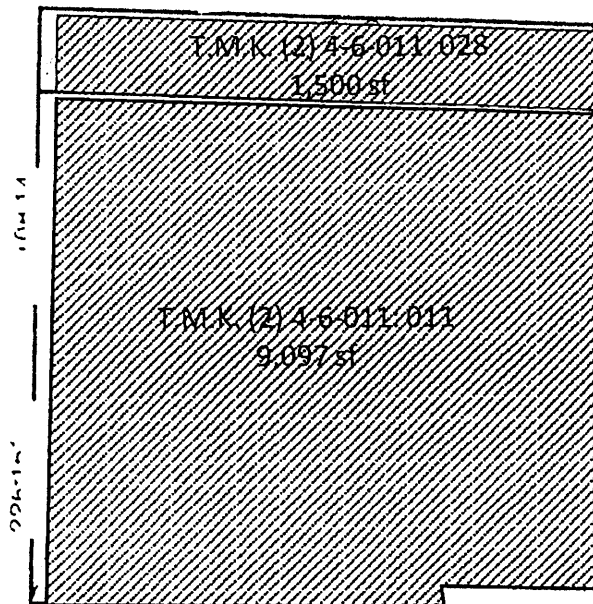




## HONOAPIILANI HIGHWAY

F.A.P. No. F-030-1 (1) TO WAILUKU

DICKENSON STREET



T.M.K. (2) 4-6-011:008  
The Holo-Olo Center  
Owners

LOT B  
T.M.K. (2) 4-6-011:027  
Yoshiko Masui  
Owner

T.M.K (2) 4-6-011:011  
T.M.K (2) 4-6-011:028

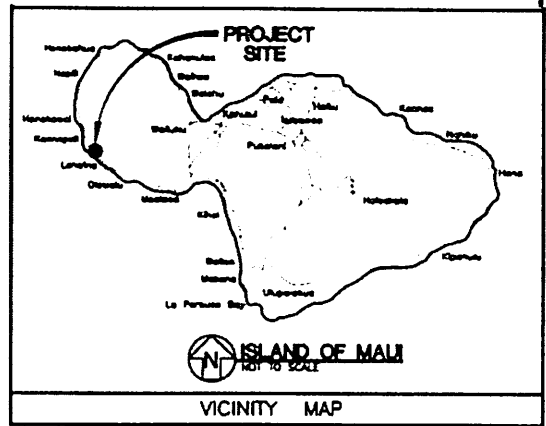
Area: 9,097 SQ. FT.  
Area: 1,500 SQ. FT.

# LAND ZONING MAP NO.L-873

## CHANGE IN ZONING-LAHAINA, MAUI, HAWAII

FROM D-2 TWO FAMILY AND R-2 RESIDENTIAL TO A-2 APARTMENT

EXHIBIT "B"



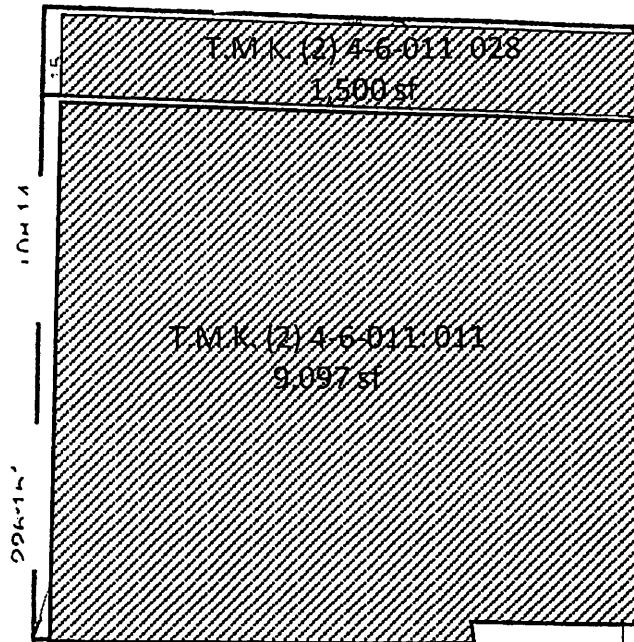
# HONOAPIILANI HIGHWAY

F.A.P. No. F-030-1 (1)

TO NAPIILI

TO WAILUKU

DICKENSON STREET



T.M.K. : (2) 4-6-011 : 008  
Aina Nalu-Condo Master  
owners

LOT B  
T.M.K. : (2) 4-6-011 : 027  
Yoshiko Masui  
owner

T T.M.K (2) 4-6-011: 011  
T T.M.K (2) 4-6-011: 028

Area: 9,097 SQ. FT.  
Area: 1,500 SQ. FT.

## LAND ZONING MAP NO.L-873 CHANGE IN ZONING-LAHAINA, MAUI, HAWAII

FROM D-2 TWO FAMILY AND R-2 RESIDENTIAL TO A-2 APARTMENT



## LAND DESCRIPTION

Tax Map Key (2) 4-6-011:011 and 028

Land situated at the southwest side of the intersection of Honoapiilani Highway (F.A.P. No. F-030-1 (1)) and Dickenson Street at Lahaina, Island and County of Maui, State of Hawaii.

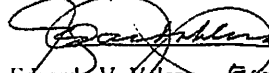
Being portion of Royal Patent 5702, Land Commission Award 5524-B, Apana 1 to Peke and Royal Patent 4475, Land Commission Award 7713, Apana 1 to Victoria Kamamalu.

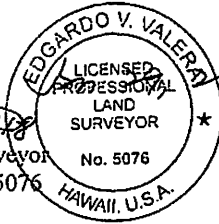
Beginning at a found Gear Spike at the westernmost corner of this parcel of land, the northernmost corner of Lot B of Arcangel Subdivision and along the south side of Dickenson Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 7,468.10.4 feet South and 2,571.86 feet West and running by azimuths measured clockwise from true South (meridian of said "LAINA"),

1. 226° 15' 108.14 feet along the south side of Dickenson Street to a ½ inch pipe; thence,
2. 316° 59' 100.00 feet along west side of Honoapiilani Highway (F.A.P. No. F-030-1 (1)) to a ½ inch pipe; thence,
3. 46° 15' 102.53 feet along Aina Nalu-Condo Master, TMK: (2) 4-6-011:008 to a ½ inch pipe; thence,
4. 136° 15' 27.77 feet along Lot B of Arcangel Subdivision to a ½ inch pipe; thence,
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Note: This metes and bounds description has been prepared for the change in Zoning, from D-2 Two Family and R-2 Residential District to A-2 Apartment purposes only.

This work was prepared by me  
or under my direct supervision.  
VALERA, INC.

  
Edgardo V. Valera *Exp 9/18*  
Licensed Professional Land Surveyor  
State of Hawaii Certificate No. 5076  
End of description.  
8229 Zoning Paunau



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

MR. CHRISTOPHER ONDATJE

To obtain a Change Of Zoning from D-2 Duplex and R-2 Residential to A-2 Apartment and Special Management Area Use Permit on 10,595 sq. ft. at 266 Dickenson Street, Lahaina, Hawaii, TMK: (2) 4-6-011:011 & 028

CIZ 2018//0002, SM1 2018/0002

266 Dickenson Street Apartments

(P. Fasi)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT  
TO THE MAUI PLANNING COMMISSION

June 26, 2018

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

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

MR. CHRISTOPHER ONDATJE

To obtain a Change of Zoning from D-2 Duplex and R-2 Residential to A-2 Apartment and Special Management Area Use Permit on 10,595 sq. ft. at 266 Dickenson Street, Lahaina, Hawaii, TMK: (2) 4-6-011:011 & 028

CIZ 2018//0002, SM1 2018/0002

266 Dickenson Street Apartments

(P. Fasi)

**DESCRIPTION OF THE PROJECT**

The project property ('Property') consists of two parcels equaling approximately 10,595 SF located at the corner of Honoapiilani Highway and 266 Dickenson Street, Lahaina, Hawaii and identified as TMK(s) (2) 4-6-011:011 & 028. The Property is owned by the Christopher & Katherine Ondatje Trust and the Marshall 2012 Kerr Trust. (Exhibits 1-3)

Mr. Ondatje (Applicant) is the managing owner and would be the general contractor for proposed construction of the 8-unit apartment building consisting of seven (7) 2-bedroom units and one (1) single-bedroom unit, as well as two (2) parking spaces per unit. (Exhibits 4 – 7)

The Property is zoned as "D-2 Duplex" with a small portion of the Property zoned as "R-2 Residential" by Maui County Title 19 Zoning, "Multi-Family" in the West Maui Community Plan, is within the Maui Island Plan (MIP) "Urban Growth Boundary" (UGB), the State Land Use "Urban" District, within the Lahaina National Historic Landmark District, and the Special Management Area (SMA).

The Applicant seeks approval of a Special Management Area Use Permit and a Change of Zoning from "D-2 Duplex" and "R-2 Residential" to "A-2 Apartment". (Exhibits 2 & 3) Since the proposed project is within the Historic Landmark District, an environmental assessment (EA) has been prepared in accordance to Chapter 343, HRS regulations.

The project is anticipated to begin construction approximately 6-9 months after the SMA permit is approved. Construction and completion of improvements is anticipated to take approximately 1 to 1.5 years.



## **BRIEF HISTORY OF THE APPLICATION**

On February 5, 2018, the Planning Department (Department) received the Applicant's Draft Environmental Assessment (DEA) in Support of the Change of Zoning and Special Management Area Use Permit.

On March 8, 2018 the DEA was published by the Department of Health, Office of Environmental Control (OEC). The 30-day public comment deadline was on April 9, 2018. Seven comment letters were received and two emails from individuals. Exhibits 18-26.

On March 27, 2018 DEA was reviewed and accepted by the Maui Planning Commission (MPC) in anticipation of a Finding of No Significant Impact (FONSI).

On April 20, 2018, the Department issued a FONSI. (Exhibit 8)

On April 3, 2018, the proposed project design and scope was reviewed and approved without change by the Maui Urban Design Review Board (UDRB).

On May 8 – June 7, 2018, the FONSI was published in the OEC Bulletin. No challenges were made to the FONSI.

## **DESCRIPTION OF THE PROPERTY**

The project Property (Property) is currently undeveloped and vacant. It consists of two parcels totaling approximately 10,595 s.f. The Property address is 266 Dickenson Street in Lahaina and identified as TMK(s) (2) 4-6-011:011 & 028. The Property is a flat, vacant lot that was last used as a residential lot and was previously in sugar cane cultivation. (Exhibits 9 & 10)

The Property is approximately ½ mile inland from the Lahaina Harbor and is on the makai side and directly adjacent to Honoapiilani Highway. It is surrounded by mixed urban uses such as: residential homes, apartments, hotels, condominiums, schools, and various retail business uses. (Exhibits 3 & 11)

Land Use Designations: (Exhibit 12, Zoning and Flood Confirmation Form)

State Land Use District .....	Urban
Maui Island Plan .....	Urban Growth Boundary
West Maui Community Plan .....	Multi-Family
County Zoning .....	D-2 Duplex, R-2 Residential
Flood Zone .....	"X" (area of minimal flooding)
Other.....	SMA, National Historic Landmark District

Surrounding Uses: (Exhibits 3 & 11)

North .....	Sacred Hearts School; Church
South .....	103-unit multi-family condo, various residential
East .....	Honoapiilani Hwy; gas station, retail uses

West ..... residential, boat harbor (.5 mi. distant)

The Property is a relatively flat parcel. Elevations on the Property range from approximately 24 feet above mean sea level at the western boundary to approximately 28 feet above mean sea level at the eastern boundary of the Property. The soils of the Property are classified as Ewa silty clay loam, (EaA) with slopes ranging between 0 and 3%. These soils cover the entirety of the Property. These soils are generally well drained, with a low runoff class with the depth to water table being generally more than 6½ ft. As mentioned previously the Property was formerly under sugar cane cultivation and residential use, both of which involved mechanical earth moving, grading and/or grubbing that has altered the natural topography of the Property.

## **APPLICABLE REGULATIONS**

### **Change of Zoning (CIZ)** (Exhibit 13)

*Pursuant to Title 19, Chapter 19.510, Section 19.510.040 Change of Zoning of the Maui County Code, the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change of zoning if all the following criteria are met:*

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

*Furthermore, pursuant to Title 19, Chapter 19.510, Section 19.510.050 Conditional Zoning of the Maui County Code, the County Council may impose conditions upon the applicant's use of the property. The conditions shall be imposed if the Council finds them necessary to prevent circumstances which may be adverse to the public health, safety and welfare. The conditions*

*shall be reasonably conceived to mitigate the impacts emanating from the proposed land and shall meet the following criteria:*

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

**Special Management Area (SMA)** (Exhibit 14)

Standards for reviewing SMA applications are found under HRS 205A-26 Special Management Area Guidelines and §12-202-10 and § 12-202-11 of Chapter 202, Special Management Area Rules of the Maui Planning Commission.

*In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:*

- (A) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;*
- (B) Significantly curtails the range of beneficial uses of the environment;*
- (C) Conflicts with the County's or the State's long-term environmental policies or goals;*
- (D) Substantially affects the economic or social welfare and activities of the community, County or State;*
- (E) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;*
- (F) In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;*
- (G) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;*
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;*
- (I) Detrimentially affects air or water quality or ambient noise levels;*
- (J) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters;*
- (K) Substantially alters natural land forms and existing public views to and along the shoreline; or*
- (L) Is contrary to the objectives and policies of Chapter 205A, HRS.*

*The following guidelines shall be used by the Authority in reviewing developments within the special management area:*

- (1) All development in the special management area shall be subject to reasonable terms and conditions set forth by the authority to ensure:*

- (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
  - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;
  - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and,
  - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the Authority has first found that:
- (A) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;
  - (B) The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and
  - (C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.
- (3) The Authority shall seek to minimize, where reasonable:
- (A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;
  - (B) Any development which would reduce the size of any beach or other area usable for public recreation;
  - (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;
  - (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and



- (E) *Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.*

#### **CHAPTER 343, Hawaii Revised Statutes**

As required by state law, the proposed project application was prepared in compliance with the Environmental Impact Statement Rules, Chapter 200, Hawaii Administrative Rules (HAR) in support of the Special Management Area Permit and Change of Zoning requests. Pursuant to Chapter 343, HRS, a request for a new project within any historic Property or district designated in the National or Hawaii Register of Historic Properties requires the preparation of an Environmental Assessment (EA).

#### **PROCEDURAL MATTERS**

1. On May 4, 2018, the Applicant mailed a "Notice of Application(s)" and location map notifying the public of the Applicant's intent to file the CIZ and SMA applications with the County of Maui. A copy of the Notice of Application and Affidavit of mailing is on file in the Maui Planning Department.
2. On June 15, 2018, the Maui Planning Department mailed a notice to the Applicant of the scheduled public hearing.
3. On May 23, 2018, the Applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (Return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts (if required) are on file in the Planning Department.
4. On June 4, 11 and 18, 2018, the applicant published a notice and location map in the Maui News once a week for three consecutive weeks prior to the date of the hearing.
5. On May 25, 2018, a "Notice of Hearing" for the application(s) was published in the Maui News and Honolulu Star Advertiser, Garden Island, West Hawaii Today, and the Hawaii Tribune-Herald by the Maui Planning Department.
6. Pursuant to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements, a Findings of No Significant Impact (FONSI) was issued by the Maui Planning Director on April 20, 2018 (Exhibit 4). It was listed by the Office of Environmental Quality Control (OEQC) website in the "Property in the Environmental Notice" section from May 8, 2018 to June 7, 2018.

## **REVIEWING AGENCIES**

Note: Applicant's response immediately follows the Exhibit.

### **County**

Dept. of Public Works .....	Exhibit 18, 18a
Dept. of Housing and Human Concerns .....	Exhibit 19
Dept. of Water .....	Exhibit 20
Dept. of Environmental Management – Wastewater & Solid Waste .....	Exhibit 21
Maui Planning Commission .....	Exhibit 22

### **State**

Dept. of Transportation – Maui Office .....	Exhibit 23
Dept. of Health - Maui District Office.....	Exhibit 24

### **Other**

Emails from (2) individuals.....	Exhibits 25 & 26
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## **ANALYSIS**

### **LAND USE**

#### **HAWAII LAND USE LAW**

Chapter 205, HRS, relating to the Land Use Commission, establishes four major land use districts in which all lands in the State have been placed into one of the four districts. These districts are designated 'Urban', 'Rural', 'Agricultural' and 'Conservation'. The subject Property is located within the 'Urban' District. (Exhibit 15)

Analysis: The proposed project is a permitted use within the State 'Urban' District.

#### **COUNTYWIDE POLICY PLAN**

The General Plan of the County of Maui (2010 update) provides long-term goals objectives, and policies directed toward improving living conditions in the County. It acts as an over-arching values statement and umbrella policy document of the Maui Island Plan and the nine Community Plans. To guide the Maui Countywide Policy Plan, core principles are defined in the plan as follows:

1. *Excellence in the stewardship of the natural environment and cultural resources;*
2. *Compassion for and understanding of others;*
3. *Respect for diversity;*
4. *Engagement and empowerment of Maui County residents;*
5. *Honor for all cultural traditions and histories;*

6. *Consideration of the contributions of past generations as well as the needs of future generations;*
7. *Commitment to self-sufficiency;*
8. *Wisdom and balance in decision making;*
9. *Thoughtful, island-appropriate innovation; and*
10. *Nurturance of the health and wellbeing of our families and our communities.*

**Analysis:** The proposed project is consistent with and is supported by the Core Principles of the Maui Countywide Policy Plan.

Directly related to these core principles, the Maui Countywide Policy Plan identifies goals, objectives, policies and actions for the following Themes and Principles:

- 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*  
*(emphasis added)*

**Analysis:** The goals, objectives, policies and actions under Themes A, E, F, H and J are strongly supportive of the proposed use.

## **MAUI ISLAND PLAN**

The Maui Island Plan (MIP) is applicable to the island of Maui only and provides planning goals, objectives, policies and implementing actions for population, heritage resources, natural hazards, economic development, housing, land use, and infrastructure and public facilities. As such, MIP helps decision makers determine the appropriateness of new development proposals. The 2030 update to the General Plan of the County of Maui was approved by the Maui County Council and signed into law by the Mayor of Maui County on December 28, 2012. The subject Property is within an 'Urban Growth Boundary' and the proposed project is consistent with the 'Urban Growth Boundary' designation. (Exhibit 16)

The following Goals, Objectives and Policies of the Maui Island Plan are applicable and support the proposed project accordingly:

**Population Goal:**

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

**Population Objective:**

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

**Population Policy:**

1.1.1.a Expand programs that enable the community to meet the education, employment, housing, and social goals of youth and young adults.

**Heritage Resources Policies:**

2.2.3.a Reduce the amount of impervious surface and devise Property plan standards that aim to minimize storm runoff and NPS pollution.

**Natural Hazards Goal:**

3.1 Maui will be disaster resilient.

**Natural Hazards Objective:**

3.1.2 Greater protection of life and property.

**Natural Hazards Policy:**

3.1.2.d Encourage the use of construction techniques that reduce the potential for damage from natural hazards.

**Housing Goal:**

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

**Housing Objectives:**

5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age.

5.1.3 Provide affordable housing, rental or in fee, to the broad spectrum of our island community.

**Housing Policies:**

5.1.1.a Promote livable communities (compact/walkable/bikeable access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.

5.1.1.b Promote planning approaches that provide a mix of multi-family and single-family housing units to expand housing choices.

**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.

**Land Use Objective:**

7.3.1 Facilitate and support a more compact, efficient, human-scale urban development pattern.



**Land Use Policies:**

7.3.1.a Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.

7.3.2.c Facilitate self-sufficient communities and shorten commutes by:

(1) Directing residential development to job-rich areas;

7.3.2.g Provide incentives to facilitate the development of multifamily housing.

**Directed Growth Plan Goal:**

8.1 Maui will have well-served, complete, and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

**Directed Growth Plan Objectives:**

8.1.d The unique character and function of existing small towns shall be protected to retain and preserve their sense of place.

8.1.e New development shall be consistent with the UGBs, STBs (Small Town Boundary), and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

**WEST MAUI COMMUNITY PLAN**

Nine community plan regions have been established in Maui County. Each region's growth and development are guided by a community plan, which contains objectives and policies in accordance with the Maui County General Plan. The West Maui Community Plan was adopted by ordinance No. 2476 on February 27, 1996 by the Maui County Council. The West Maui Community Plan is currently in the process of being updated. Phase 1 of 5 began in spring of 2017 and the updates are expected to be complete by the winter of 2020. The purpose of the community plan is to outline a relatively detailed agenda for carrying out these objectives. The subject property is located within the West Maui Community Plan region and is designated 'Multi-Family' by the West Maui Community Plan's Land Use Map. The Plan's definition of 'Multi-Family' includes, "apartment and condominium buildings having more than two units." (Exhibit 17)

Analysis: The proposed project is consistent with the intentions and uses of the 'Multi-Family' designation of the West Maui Community Plan and is also consistent with the following West Maui Community Plan Goals, Objectives and Policies:

**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 for the stable social and economic well-being of residents and the preservation and enhancement of the region's open space areas and natural environmental resources.

**Objectives and Policies for the West Maui Region in General:**

Establish an appropriate supply of urban land within the region to meet the needs of the community over the next 20 years. The Community Plan and its map shall define the urban growth limits for the region and all zoning requests and/or proposed land uses and developments shall be consistent with the West Maui Community Plan and its land use map.

**Objectives and Policies for Lahaina Town:**

Concentrate multifamily dwelling units around the central commercial district in the following locations:

- b. Toward the south end of Lahaina town along Wainee Street, generally from Lahainaluna Road to Shaw Street.

**Environment Goal:**

A clean and attractive physical, natural and marine environment in which man-made developments on or alterations to the natural and marine environment are based on sound environmental and ecological practices, and important scenic and open space resources are preserved and protected for public use and enjoyment.

**Objectives and Policies:**

- Promote the planting of trees and other landscape planting to enhance streetscapes and the built environment.
- Promote drainage and storm water management practices that prevent flooding and protect coastal water quality.

**Cultural Resources Goal:**

To preserve, protect and restore those cultural resources and sites that best represent and exemplify the Lahaina region's pre-contact, Hawaiian Monarchy, missionary and plantation history.

**Objectives and Policies:**

- Ensure that new projects or developments address potential impacts on archaeological, historical, and cultural resources and identify all cultural resources located within the project area as part of initial project studies. Further require that all proposed activity adequately mitigate potential adverse impacts on cultural resources.

**Housing Goal:**

A sufficient supply and choice of attractive, sanitary and affordable housing accommodations for a broad cross section of residents.

**Objectives and Policies:**

- Accommodate the 20-year housing needs of the planning region.
- Provide a variety of affordable housing opportunities, including improved lots and self-help projects and special needs housing for the elderly, single parent families, homeless and disabled.
- Promote efficient housing designs in order to reduce residential home energy consumption.

- Maintain acceptable standards for affordable housing projects, including but not limited to, the installation of sidewalks and provisions of adequate off-street parking.

#### **Urban Design Goal:**

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

#### **Objectives and Policies for the West Maui Region in General:**

- Improve pedestrian and bicycle access within the region.
- Incorporate drought-tolerant plant species in future landscape planting
- Emphasize contrasting earth-tone color schemes for buildings and avoid bright or garish colors.

#### **Objectives and Policies for Lahaina Town:**

- Maintain the scale, building, massing and architectural character of historic Lahaina Town.
- Improve pedestrian and bicycle access within the town core.
- Landscape Character:
  - d. Landscaping along Wahee Street and other interior streets should be designed to soften the effects of the built environment and to provide buffers for parking areas.
- Building Character:
  - a. New building and renovation of existing buildings in Lahaina Town should respect the scale, texture, materials, and facades of existing structures in the Lahaina Historic District.
  - b. Building heights should reflect the context of existing building heights and massing in the Lahaina Historic District. The maximum building heights shall be two stories or 35 feet with a mixture of one- to two-story building heights encouraged.
  - c. Building design should complement the pedestrian character of Lahaina Town.

Restraint and harmonious relationships with natural and man-made surroundings should characterize building form; harsh forms or shapes should be avoided; sloped roofs should be encouraged. Design elements which relate to human scale should be emphasized. Design features should reflect prevalent town themes through traditional or contemporary means.

Such themes may include:

- 4) Second Story balconies
  - d. Encourage the use of natural materials in existing or new buildings.

### **Infrastructure Goal:**

Timely and environmentally sound planning, development, and maintenance of infrastructure systems which serve to protect and preserve the safety and health of the region's residents, commuters, and visitors through the provisions of clean water, effective waste disposal and efficient transportation systems which meets the needs of the community.

### **Transportation Objectives and Policies**

- Promote residential communities that provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities, in order to minimize use of the automobile.
- Provide landscaping along major local streets in Lahaina town to enhance the street level walking and driving experience, to aid in orientation, and to emphasize mauka-makai views. Particular attention should be given to Wainee Street and to the five mauka-makai streets giving access to Honoapiilani Highway. Landscaping should soften the effects of the built environment, provide a sense of place within town, and establish a hierarchy of streets

### **MAUI COUNTY ZONING, Title 19 MCC**

The subject property is situated within the County of Maui's 'D-2 Duplex' district and the proposed project is not permissible within the 'D-2 Duplex' and 'R-2 Residential' district. A Change of Zoning request is therefore necessary to change the Property's current zoning from 'D-2 Duplex' and 'R-2 Residential' to 'A-2 Apartment.' This request has been submitted to the Department for review and action by the Maui Planning Commission and County Council. If the CIZ is approved, the proposed project will be consistent with the 'A-2 Apartment' district.

A request for a "Change of Zoning" must meet the following criteria as found in the Maui County Code Section 19.510.040.4:

*a. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county*

Analysis: The proposed project is consistent with the West Maui Community Plan and the intent of the Maui Island Plan. See the above statements for consistency with the general and community plans of Maui County.

*b. The proposed request is consistent with the applicable community plan land use map of the county*

Analysis: The proposed project is consistent with the West Maui Community Plan land use map. See the above statements for consistency with the community land use map.

*c. The proposed request meets the intent and purpose of the district being requested.*

Analysis: The proposed project will meet the intent and purpose of the "A-2 Apartment" zoning, which is to allow for multi-family units to be occupied on a long term residential basis.

- d. *The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements*

Analysis: The proposed project may have a very insignificant increase in population but no significant impact to the overall County population is anticipated. The size and scope of the project is very minimal and therefore the proposed project will not result in a significant negative impact on public facilities.

- e. *The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area.*

Analysis: The proposed project will implement appropriate mitigation measures to mitigate potential environmental adverse impacts, however no significant adverse impacts or the loss or destruction of any environmental, socio-economic, or cultural resource(s) are anticipated.

- f. *If the application change of zoning involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the department of agriculture and the United States Soil and Conservation Service.*

Analysis: The proposed project is not establishing agricultural zoning and therefore criteria "f" is not applicable.

In summary, the proposed project is consistent with the intent of the Maui Island Plan, the policies and objectives of the West Maui Community Plan, the West Maui Community Plan Land Use Map designation, and the proposed "Apartment" zoning. As discussed, the proposed project is not anticipated to have any significant negative impacts or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements, nor any social, cultural, economic, environmental and ecological characters of Lahaina Town.

## **SPECIAL MANAGEMENT AREA ASSESSMENT**

### **Maui Planning Commission Special Management Area Rules 12-202-12(e):**

The Rules and Regulations of the Maui Planning Commission, Chapter 202 were established in order to implement Chapter 205A HRS relating to Coastal Zone Management and Special Management Areas. The project's applicability to coastal zone management considerations for significant adverse effects to the environment as set forth in the Maui Planning Commission Rules and Regulations are addressed below:

*(a) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;*

Analysis: As documented in this report, the proposed project will not result in the loss or destruction of any natural or cultural resources. The Property was previously graded and used a residence in the past.

*(b) Significantly curtails the range of beneficial uses of the environment;*

Analysis: The proposed project is in concert with the West Maui Community Plan and the intent of the Maui Island Plan, supporting in-fill development that is appropriate for its location and a rejuvenation of a previous residential use. The project is using the land with the intent of being put to its "highest and best use" and therefore, does not curtail the range of beneficial uses of the environment within the project vicinity.

*(c) Conflicts with the county's or the state's long-term environmental policies or goals;*

Analysis: The project does not conflict with either the state or county long-term environmental policies or goals. Adequate mitigation measures will be implemented to minimize the potential for negative impacts to the environment. See the above statements for supportive documentation of consistency with county and state long term goals and objectives.

*(d) Substantially affects the economic or social welfare and activities of the community, county, or state;*

Analysis: As documented in this report, the proposed project will generate increased construction related employment in the short term and will support the social welfare of the Lahaina community in the long term by providing critical rental housing for the local workforce. There will be no negative impacts to the socio-economic environment.

*(e) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;*

Analysis: The proposed project may lead to an insignificant increase in population but no significant impact to the overall County population is anticipated. As documented in this report, the proposed project will not result in a significant negative impact on public facilities.

*(f) In itself has no significant adverse effects but cumulatively has considerable effects upon the environment or involves a commitment for larger actions;*

Analysis: At this current time, there are no other known rental apartment buildings being proposed in Lahaina Town on a time scale that would coincide with that of the proposed project. As such, the project will not result in cumulative negative impacts on the environment.

*g) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;*

Analysis: There are no known rare, threatened, or endangered species or its habitat at the project Property.

*(h) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;*

Analysis: The proposed projects represents a fulfillment of the West Maui Community Plan and the intent of the Maui Island Plan. See above for documentation of consistency with county and state plans.

*(i) Detrimentially affects air or water quality or ambient noise levels;*

Analysis: As required by county building standards, adequate mitigation measures (BMP) will be implemented to minimize the potential for negative impacts to water quality or ambient noise levels but no significant adverse impacts are anticipated.

*(j) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters;*

Analysis: The proposed project is not located in a flood plain (Zone X), beach erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters. As documented, the project is located within the tsunami evacuation zone as is most of Lahaina Town. The project Property is not located in close proximity with any environmentally sensitive areas and therefore will have no effect on the same.

*(k) Substantially alters natural land forms and existing public views to and along the shoreline;  
or*

Analysis: There are no natural topographic land forms or existing public views to the shoreline that the proposed project will affect.

(I) *Is contrary to the objectives and policies of Chapter 205A, HRS.*

Analysis: As mentioned earlier in this report, the project is consistent with the policies and objectives of Chapter 205A, HRS.

#### **Chapter 205A, HRS Coastal Zone Management:**

Pursuant to Chapter 205A, HRS, projects should be evaluated with respect to the Coastal Zone Management (CZM) objectives, policies and guidelines. The CZM includes "all lands of the state and the area extending seaward from the shoreline to the limit of the State's power and management authority, including the US territorial sea."

The Property is approximately ½ mile from the coastline but will involve work within the County of Maui's Special Management Area (SMA). An analysis of the proposed project's consistency with the following relevant objectives & policies of Chapter 205A-2, HRS is provided here:

#### **Recreational Resources:**

*Objective: Provide coastal recreational opportunities accessible to the public.*

Analysis: The project Property is located approximately ½ mile from the coastline and therefore this objective is not applicable. There are several beach access points along the shoreline. The Property is not used for beach access and thus long term significant adverse impacts on coastal recreational resources and opportunities are not anticipated.

#### **Historic Resources:**

*Objective: Protect, preserve and where desirable restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.*

Analysis: A cultural impact assessment was conducted for the project Property including cultural impact interviews. No traditional or cultural practices on the project area were identified by the assessment however there was some concern that the project Property fell within the National Historic Landmark District and that a change to a built environment inherently carries a sense of cultural landscape lost. However, the proposed project is an urban infill project on a very small scale and it is essentially rebuilding where there was previously, a residential dwelling and a separate garage/washroom structure on the Property from 1957 to 1996. Prior to 1957, the



Property was under sugar cane cultivation. As such, significant adverse impacts on historic resources are not anticipated from the proposed project.

In order to mitigate potential impacts to historic resources that may exist beneath the surface (and below the previously disturbed "plough zone"), archaeological monitoring will take place according to a monitoring plan approved by SHPD.

### **Scenic and Open Space Resources:**

*Objective: Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.*

*Policies:*

*(b) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;*

*Analysis:* The proposed project does not lie within a coastal scenic view corridor, public view plane, or on the shoreline. Thus, no significant adverse impacts to scenic or open space resources are anticipated from the proposed project.

### **Coastal Ecosystems:**

*Objective: Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

*Policies:*

*(a) Improve the technical basis for natural resource management;*

*(d) Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land and water uses which violate state water quality standards.*

*Analysis:* As previously noted, the Property is located approximately ½ mile from the coastline and is 10,595 s.f. After the development of the proposed project, it is estimated that the increase in runoff will be 0.801 cfs, with an increase in runoff volume of 314 cf from pre-development levels. On site runoff will be intercepted by catch basins located within the paved parking area and conveyed to an onsite subsurface drain and then allowed to filtrate into the ground. The drainage system will be designed to accommodate the increase in surface runoff volume from a 50-year 1-hour storm for the proposed project. The proposed project will also use "grasscrete" pavers for five of the parking stalls to allow for greater storm water infiltration and

reduce storm water runoff from the Property. Ultimately, significant adverse impacts to coastal ecosystems from the proposed project are not anticipated.

### **Economic Uses:**

*Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.*

Analysis: The proposed project will generate short-term construction-related employment and spending which will benefit the local economy and will also generate additional county property tax revenue, building and landscape maintenance/upkeep work. The proposed action does not contradict the objectives and policies for economic uses.

### **Coastal Hazards:**

*Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.*

Analysis: The project Property falls within Zone X, as indicated by the Flood Insurance Rate Map for the county. Zone X is categorized as areas of minimal flooding. The Property is located within the tsunami evacuation zone (as is most of Lahaina) and evacuation information is readily available to the public in many forms.

### **Managing Development:**

*Objective: Improve the development review process, communication and public participation in the management of coastal resources and hazards.*

#### *Policies:*

- a. *Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;*
- b. *Facilitate timely processing of applications for development permits and resolve overlapping of conflicting permit requirements; and*
- c. *Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life-cycle and in terms understandable to the public to facilitate public participation in the planning and review process.*

Analysis: Chapter 343, HRS involves review by governmental agencies and provides for public involvement opportunities at several levels to comment on the project. In addition, public involvement opportunities will occur during the SMA and Change of Zoning approval processes. Applicable State and County building code requirements will be adhered to in the design and construction of the project.

**Public Participation:**

*Objective: Stimulate public awareness, education, and participation in coastal management.*

Analysis: Chapter 343 EA provides for public involvement opportunities to comment on the Draft EA and Final EA on the OEQC website and also at the MPC public hearing level.

**Beach Protection:**

*Objective: Protect beaches for public use and recreation.*

*Policies:*

*(a) locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;*

Analysis: The proposed structure is located ½ mile from the coastline and is inland from the shoreline setback. No impact to beach resources is anticipated.

**Marine Resources:**

*Objective: Implement the State's ocean resources management plan.*

*Policies:*

*(a) Exercise an overall conservation ethic, and practice stewardship in the protection, use and development of marine and coastal resources;*

*(b) Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*

Analysis: The proposed project has a drainage plan designed to retain and encourage infiltration of storm water flowing over the property to reduce runoff that may otherwise flow to the ocean. BMPs will be implemented during construction activities to mitigate and prevent discharge from the property. Once the project is completed, it is not anticipated to have significant adverse impacts to marine or coastal resources

**ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES**

A Cultural Impact Assessment (December 2017) was prepared by Ms. Cathleen A. Dagher of Scientific Consultant Services Inc. at the request of the owner, Christopher Ondatje. The purpose of a Cultural Impact Assessment is to identify the possibility of previous and/or currently conducted traditional cultural practices and traditional resources procured within a project area

and the greater *ahupua'a*, and then to assess the potential for impacts to these cultural resources.

#### **IMPACT ASSESSMENT** (re-printed from the applicant's application)

*The Cultural Impact Assessment has reviewed historical research and information received from community members. This information has been analyzed for the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place, as recommended by the OEQC Guidelines (1997).*

*Analysis of the potential effect of the project on cultural resources, practices or beliefs, its potential to isolate cultural resources, practices or beliefs from their setting, and the potential of the project to introduce elements which may alter the setting in which cultural practices take place is a requirement of the OEQC (No. 10, 1997). The project area has not been used for traditional cultural purposes within recent times. Based on historical research and the above responses, it is reasonable to conclude that Hawaiian rights related to gathering, access or other customary activities within the project area will not be affected and there will be no direct adverse effect upon cultural practices or beliefs.*

*No archaeological studies were previously conducted in the project area but many studies have been conducted in the general vicinity of Lahaina Town. During the consultation process, SCS reached out to 30 individuals and organizations in order to gather information on potential cultural practices that were or may be conducted in the vicinity of the proposed project. A total of seven (7) written responses were received by SCS to their queries for information.*

*Potential Impacts and Mitigation Measures.* *The project area has not been used for traditional cultural purposes within recent times. Based on response, interview, and archival research SCS concludes that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to gathering, access or other customary activities will not be affected by the proposed construction of the 8-unit apartment building. However, two (2) respondents in the CIA have brought up that West Maui lands were once culturally significant lands inhabited by the ali'i and that all of Lahaina, to some, continue to be culturally significant. In order to mitigate the potential for encountering subsurface historic or cultural resources an archaeological monitoring plan will be prepared and implemented according to the requirements of the State Historic Preservation Division. In accordance with Section 6E-43, HRS and Chapter 13-300, HAR, if any significant cultural deposits or human skeletal remains are encountered, work will stop in the immediate vicinity and the SHPD will be contacted. SCS recommends that if concerns arise during the permit review process, cultural advisors be consulted to ensure that appropriate mitigation measures, if needed, can be put in place before construction starts. Thus, there are no anticipated impacts to archaeological or cultural resources of the region associated with proposed project.*

Analysis: As mentioned, the Property was previously cultivated in sugar cane and has had a residential structure on it. It therefore, has been extensively graded while in ag use and for residential use also. Historically, it has had no cultural significance tied to it. The site has been vacant for many years.

## **INFRASTRUCTURE, PUBLIC FACILITIES, AND SERVICES**

### **Water:**

#### *Existing Conditions*

The proposed project is currently within the County of Maui, Department of Water Supply's (DWS) domestic water system. The County water system services the coastal areas from Launiupoko to Kaanapali and from Honokowai to Napili. The County's water system sources water from both surface waters and groundwater sources. The Launiupoko Aquifer underlies the Property and has a sustainable yield of approximately seven (7) million gallons per day. There is one existing 5/8-inch water meter on TMK: (2) 4-6-011:011 of the project Property. Two 12-inch water lines lie adjacent to the property on Dickenson Street and Honoapiilani Highway.

#### *Proposed Measures*

The proposed project will have an estimated daily water demand of 4,480 gpd according to the Water System Standards, 2002, State of Hawaii Table 100-18. Fire flow demand for multi-family residential development is 2,000 gallons per minute for a 2-hour duration. There are existing fire hydrants on the northwesterly corner of Honoapiilani Highway and Dickenson Street and on Dickenson Street near the southwest corner of the property. The DWS will require an approved backflow preventer to be installed on Property and recommends implementing a number of water conservation and pollution prevention BMP's to alleviate demand on the Lahaina water system and to protect the Launiupoko Aquifer. The Applicant will implement BMP's to protect groundwater resources and to conserve water. As part of the building permit process, domestic water and fire flow calculations will be provided to ensure that there is adequate capacity in the Lahaina water system to accommodate the proposed project in accordance with the rules of DWS. All water system and fire protection improvements will be designed in accordance with applicable regulatory design standards and the Fire Code.

### **Wastewater:**

#### *Existing Conditions*

The proposed project is within the service area of the County of Maui, Department of Environmental Management's Wastewater Reclamation Division. Wastewater from Lahaina is treated at the County's Lahaina Wastewater Reclamation Facility (LWRF) located approximately 5 miles north of the Property. A portion of the treated LWRF's effluent is utilized to irrigate the Kaanapali Golf Courses. As of August 28, 2017, the Department of Environmental Management

reported that there was available capacity in the Lahaina wastewater system. An existing 8" sewer line fronts the Property along Dickenson Street.

#### *Proposed Measures*

The proposed project will generate approximately 2,040 gallons of wastewater daily. The County has stated that there is available capacity in the Lahaina wastewater system as of August 28, 2017, the Applicant understands that capacity cannot be guaranteed until the issuance of a building permit. The Applicant plans to connect any new laterals installed for the subject project to the existing 8" sewer line fronting the Property along Dickenson Street. During constructing the Applicant will work with the County to notify neighbors if any temporary disruption to service is necessary during installation and connection work. Due to the small scale of the proposed project, no significant adverse impacts to the existing County wastewater system is anticipated for the long term. All wastewater system improvements will be designed in accordance with appropriate regulatory design criteria.

#### **Drainage:**

##### *Existing Conditions*

The Preliminary Engineering Report (PER) was prepared by Otomo Engineering, Inc. in December 2017 to document existing infrastructure and the required improvements to water, drainage, roadway and general electrical systems necessary for the proposed project. A preliminary grading and drainage plan was included in the PER. Runoff generally sheet flows in an east to west direction across the property, toward adjoining properties to the west and ultimately toward Wainee Street. There is no off-property runoff entering the property. It is estimated that the existing 50-year, 1-hr storm runoff from the project Property is 0.310 cfs, corresponding to a runoff volume of 186 cf.

##### *Proposed Measures*

Potential Impacts and Mitigation Measures. After the development of the proposed project, it is estimated that the 50-year, 1-hr storm runoff will be 1.111cfs, corresponding to a runoff volume of 500 cf. The increase in runoff of 0.801 cfs, with an increase in runoff volume of 314 cf. On-property runoff will be intercepted by catch basins located within the paved parking area and conveyed to a subsurface drain. The subsurface drainage system will consist of a perforated drain line embedded in crushed rock, which will be wrapped with a layer of filter fabric. Surface runoff entering the perforated pipe will be allowed to infiltrate into the ground. The drainage system will be designed to accommodate the increase in surface runoff volume from a 50-year, 1-hr storm post project development. The proposed project plans to utilize low impact design and green drainage features in its drainage plan to mitigate potential increases in storm water runoff. "Grasscrete" is currently planned for the four (4) stalls fronting Dickenson Street per Chapter 19.36A.110, MCC instead of concrete or another non-permeable paving material. This will allow rainwater to infiltrate back into the ground reducing sheet flow across the Property and

total runoff from the Property. A drainage plan and Best Management Practices will be implemented in accordance with Chapter 4, "Rules for the Design of Storm

Drainage Facilities is the County of Maui" and Chapter 111, "Rules for the Design of Storm Water Treatment Best Management Practices."

## **Roadways:**

### *Existing Conditions*

Austin, Tsutsumi & Associates, Inc. (ATA) conducted a traffic assessment for the proposed project in May of 2017. Honoapiilani Highway is a State highway that provides regional connectivity for West Maui to the rest of the island. In the vicinity of the Project, Honoapiilani Highway is generally a north-south, four-lane, two-way, divided road with a speed limit of 35 mph. The highway begins in Wailuku where it transitions from South High Street and continues southward towards Maalaea. The highway borders the coastline as it curves back to West Maui and northward to Honokohau where it transitions into Kahekili Highway. The project is located near the signalized Honoapiilani Highway/Dickenson Street intersection.

Dickenson Street is an east-west, two-lane, two-way, undivided County roadway with a speed limit of 20 mph in the vicinity of the project. The road begins to the west at its intersection with Front Street and travels east before terminating at its intersection with Mill Street. The roadway is relatively narrow with no shoulder space fronting the project.

On May 10 and 18 2017, ATA made the following observations at the Dickenson Street/Honoapiilani Highway Intersection during the AM and PM peak hours of traffic:

- Vehicular turning movements onto Dickenson St. from Honoapiilani Highway are restricted to passenger cars and pickup trucks based on existing warning signs.
- Average northbound left-turn vehicle queues range from 1-3 vehicles long during both AM and PM peak hours and generally cleared within a single signal cycle.
- Average eastbound approach vehicle queues range from 4-7 vehicles long during both AM and PM peak hours and generally cleared within a single signal cycle.
- A small 6-stall parking lot for the Sacred Hearts School is located about 50-ft west of the signal, but did not provide significant impacts to traffic flow.

### *Proposed Measures*

The ATA Traffic Assessment calculated trip generation for the proposed project using the Institute of Engineers (ITE) Code 220 for Apartment. ATA concluded that the proposed project is anticipated to generate 8 trips in the AM peak hour of traffic and 23 trips during the PM peak hour of traffic. The proposed project will result in project generated traffic that is well below the minimum 100-new trip threshold that would trigger the need for a Traffic Impact Analysis Report. ATA further anticipated minimal impacts to turning movement at nearby intersections on

Dickenson St., Honoapiilani Highway and Wainee Street. ATA further recommended that left-turn entry onto the Project Property should be restricted. Additionally, during a preliminary request for consultation in August of 2017, the Maui Police Department submitted recommendations based on safety concerns with regards to the proximity of the project driveway to Honoapiilani Highway. The Department recommended that left-turns onto the Property from Dickenson Street, as well as left-turns out of the Property onto Dickenson Street be restricted. In response to both ATA and the MPD's recommendations, the Applicant will restrict left-turns into the Property as well as left-turns out of the Property onto Dickenson Street. The Applicant plans no vehicle entry/exit off of Honoapiilani Highway onto the project Property. Roadway improvements such as sidewalks, curbs, or gutters will be coordinated with the County of Maui Public Works Department as appropriate for the Project. Towards this end the applicant and his civil engineer has met with the Department of Public Works Engineering Division and have agreed upon necessary roadway frontage improvements along Dickenson Street which will include the provision of a sidewalk and maintenance of 10 ft. travel ways. See Exhibit 18a.

## **Solid Waste:**

### *Existing Conditions*

The project Property is within the service area of the County of Maui but the County does not provide refuse service to apartment buildings. The private collection company, Maui Disposal Service currently services Sacred Hearts School and others not served by the County in the area. There are six operating landfills, recycling and/or refuse convenience centers in Maui County. Residential solid waste collected by the County of Maui is disposed at the County's Central Maui Landfill located in Kahului approximately 25-miles from the project Property. The Central Maui Landfill also accepts residential and commercial waste from private collection companies like Maui Disposal Service. In addition to the Central Maui Landfill, the Olowalu Recycling and Refuse Convenience Center is located approximately six (6) miles south of the project Property in Olowalu and serves West Maui by accepting residential refuse, green waste, as well as used oil and recyclable materials. No commercial waste is accepted at the Olowalu facility and waste from this facility is transported to the Central Maui Landfill for ultimate disposal or recycling.

### *Proposed Measures*

During construction, solid waste will primarily consist of left-over building materials and some vegetation during grubbing and grading and this waste will be disposed of properly, in accordance and coordination with the County's Solid Waste Division. The Applicant will seek to minimize construction waste and will recycle construction material waste per normal practice. Virtually no demolition material is expected, as the Property is vacant.

In the long term, the eight (8) apartments in this proposed a private solid waste disposal company would serve project. Recycling bins will be provided for the apartment complex. The



proposed project is not anticipated to affect the service capabilities of County or private waste collection operations and disposal facilities.

### **Police and Fire Protection:**

#### *Existing Conditions*

The project Property is within the Maui Police Department's service area. The County of Maui's Police Department is headquartered in Wailuku, Maui. The Lahaina Police Station, located at 1850 Honoapiilani Hwy, serves Lahaina. Lahaina, Maui, HI 96761 approximately 2.4 miles from the project Property.

The County's Department of Fire and Public Safety offer fire prevention, suppression and protection services on Maui. 14 fire stations serve Maui County with two located in the West Maui region, the Lahaina Fire Station and the Napili Fire and Ambulance Station. The Lahaina Fire Station is located at 1860 Honoapiilani Hwy. Lahaina, Maui, HI 96761, approximately 2.4 miles from the project Property. The Napili Fire and Ambulance Station is located at 4950 Hanawai St., Lahaina, HI 96761 approximately 8.5 miles from the project Property.

#### *Proposed Measures*

The proposed project is an urban infill project within Lahaina Town and is currently within existing service areas for fire and police. The Applicant proposes to comply with the fire protection requirements of the Fire Code and/or Fire Department. As such, the proposed project is not anticipated to present significant adverse impacts on existing police and fire service in the region.

### **SOCIO-ECONOMIC IMPACT**

#### **Population and Demographics:**

#### *Existing Conditions*

The population of neighboring islands is projected to grow significantly faster than that of Honolulu, and Maui County's population is projected to grow by 25% by 2025 (State of Hawaii DBET, 2015). According to the US Census, the resident population of the County of Maui in 2010 was approximately 154,834 and was estimated to be 165,386 in 2016. This represents a 6.8 percent increase over only six (6) years (US Census Bureau, 2010). The proposed project is located in Lahaina Town, within the West Maui Community Planning area. The population of West Maui in 2010 was approximately 22,156 (US Census Bureau, 2010) and was estimated to have increased to 24,985 people as of 2017 (Esri Estimate, 2017), a 1.7% growth rate over 7 years. As the visitor industry is based in Lahaina many people commute to West Maui for work or live in overcrowded living situations. Lahaina's person per household ratio was 3.48

compared to Maui County's 2.96 persons per household ratio in 2011-2015 (US Census Bureau, 2010).

The socio-cultural makeup of the municipality of Lahaina, Maui, Hawaii is considered a cultural "melting pot" much like other coastal communities in Hawaii and when considered in context of Maui County and the State of Hawaii, Lahaina's demographics are not unusual. 39.5% of Lahaina's resident population identified as Asian, 23.4% as white and 18.7% as multiracial (also defined as 2 or more races, not Hispanic/Latino). The 2010 Census reported the State of Hawaii's Asian population at 37.3%, Maui County reported 28.7%. The population with 2 or more races were reported at 23.6% in the State of Hawaii and 23.5% in Maui County. Therefore, Lahaina's demographic breakdown is typical for Maui County and the State of Hawaii, and Lahaina does not represent an area with a relatively high minority population compared to other locales in Hawaii (US Census Bureau, 2010). The vast majority (89.4%) of the populace had achieved either a high school diploma or higher and approximately 23% of Lahaina's population age 25 or older has received a bachelor's degree or higher. (US Census Bureau, 2010). Basic census and demographic data can be found at <https://www.census.gov/quickfacts>.

### *Proposed Measures*

The proposed project is an urban in-fill project intended to help alleviate some of the regions residential housing demand. Although small in scale, the project could result in slight increase in Lahaina's resident population. While the intention of the project is to house people who already work in Lahaina Town population may increase if commuters from other parts of Maui are housed in the new project. As noted above, Maui's population is continuing to grow and the proposed project will help meet anticipated population growth that will occur with or without the project. As such, the project is not anticipated to have a significant impact to Maui County and aside from the possible slight increase in population, no significant impacts to Lahaina's population or demographics are anticipated.

### **Economy:**

#### *Existing Conditions*

With its dry and mild climate and proximity to recreation-orientated shoreline resources Lahaina's visitor based economy has grown steadily. The town of Lahaina serves as the commercial, visitor industry and residential center of the region. Along with South Maui, West Maui has evolved into the primary region for economic activity and employment and as such has attracted significant development and capital investment over the past 40+ years. In Maui County, approximately 19.52% of the population works in accommodation and food services and approximately 11.23% work in retail (Sperling, 2017). Lahaina Town itself hosts a number of restaurants, retail shops, entertainment hubs, tourism activities, and visitor accommodations attracting workers from all over Maui County. In 2016 there were approximately 12,382 workers commuting in and out of West Maui daily. 7,444 of those commuters were employed in West Maui but lived elsewhere (US Census Bureau, 2016).

### *Proposed Measures*

The proposed apartment building will provide short-term construction related employment opportunities. In the long term, the proposed project could support the local workforce through maintenance and rental management services. Finally, new renters that may move to the area from other parts of the island will support the local economy with new consumers of services and goods from local businesses.

### **Housing:**

#### *Existing Conditions*

In Hawaii, housing units are more crowded than in other places. Crowding is defined as more than one person per room. The national average crowding rate was 3.2% in 2009. Maui County at 9%, has the highest rate of overcrowding in the State of Hawaii and one of the highest in the nation. The only market reviewed by SMS Research that had a higher crowding rate was Orange County (9.4%) (SMS Research for HHFD, 2011). Housing crowding may explain why population density in Lahaina is comparable to population density per square mile of the highly urbanized island of Oahu. Lahaina's density in 2010 was 1,503 people per square mile and Oahu's density was approximately 1,587 people per square mile in the same year (US Census Bureau, 2010).

As population on Maui is expected to increase by 25% by 2025, housing demand is also forecasted to continue to rise. Demand for additional housing units during the 2015-2025 period is 13,949 additional housing units for Maui County (State of Hawaii DEBT, 2015). High housing costs, particularly in Maui County have had a negative impact on residents resulting in about 30% of households dedicating more than 40% of their income each month to shelter payments (SMS Research for HHFD, 2011). Approximately 44% of households rented in the County of Maui in 2011 and these renters paid highest amount outside of Honolulu to cover monthly housing expenses (SMS Research for HHFD, 2011). Demand was found by SMS Research (2011) to be highest for Maui along with price increases and while more units have been added to Maui's inventory than in other counties, the level of out-of-state ownership has also been much higher suggesting that pent-up demand may be higher for Maui than for other counties (SMS Research for HHFD, 2011).

City-Data reported that in 2015 the median gross rent in Lahaina (area reaching from Olowalu to Kapalua) was \$1,371 (City-Data, 2017). Approximately 19 separate apartments were listed on various Property's (Honolulu.Craigslist.org, Zillow.com, Realtor.com, Rent.com) as available for rent in November of 2017 within approximately 1 mile of the project Property. Of these, most were rooms or converted parts of single-family homes that were listed on Craigslist with very little information ranging from approximately \$1,350 to \$1,950 per month for a one-bedroom apartment. Zillow, Realtor and Rent.com webPropertys only listed rental units within the Ho'onanea Condominium complex which were 3-bedrooms 2-bathrooms and listed between

\$2,950 and \$3,300 per month. More rental inventory was observed to the north of Lahaina Town in Honokowai and Napili neighborhoods, approximately 6.5 miles north of Lahaina.

#### *Proposed Measures*

There is already a perceived shortage of legal, safe rental inventory in Lahaina. Many working in the visitor industry are excluded from buying in the housing market due to the relatively high home costs in West Maui. When existing homeowners convert or designate parts or rooms of existing homes for rentals, it is difficult for shelter seekers to know if such rentals are legal, safe and managed by dependable landlords. Renters are then forced to settle for potentially subpar rental arrangements, pay more than 40% of their income on shelter, or find housing elsewhere on the island and commute to Lahaina. As housing demand is anticipated to increase, competition for existing rental units will intensify possibly worsening an already stressed rental market. Although the intent of the Applicant is to provide rental units affordable to the local workforce, the County's residential workforce housing ordinance, Chapter 2.96, MCC, is not applicable to the project since the total number of new units is under 10. The proposed apartment building, while small in scale, will help to accommodate an extremely small portion of the projected housing units needed to meet the rising housing demand in West Maui. Additionally, the proposed apartment building will be safe and well-managed protecting renters from landlord abuse and hazardous living conditions. As such, the proposed project is anticipated to have a small, positive impact on housing conditions within Lahaina Town.

### **ENVIRONMENTAL IMPACTS**

#### **Surrounding Land Uses:**

##### *Existing Conditions*

A wide range of land uses currently surrounds the project Property. To the north of the project Property is Sacred Hearts School and Maria Lanakila Catholic Church. Directly abutting the Property to the south is Aina Nalu-An Outrigger Condo Resort, a 103 unit multifamily complex. Abutting the Property to the west are residences and to the east of the project Property, across the Honoapiilani Highway, lies a gas station and acres of fallow, vacant agricultural lands formerly under sugar cultivation and owned by the Pioneer Mill Co., LTD. The project Property is designated as "Multi-Family" in the West Maui Community Plan Land Use Map.

##### *Proposed Measures*

Land uses surrounding the project Property consist of commercial, public/quasi-public, single-family, and multi-family uses. The proposed apartment building project is compatible with the adjacent multi-family and residential uses and is not anticipated to have an adverse impact on other surrounding land uses in the area. The project Property is located within the limits of the existing Lahaina Town urban center and has ready access to infrastructure systems as well as

employment, entertainment and educational opportunities. The proposed project is consistent with the community plan's "Multi-Family" designation.

### **Topography and Soils:**

#### *Existing Conditions*

The Property is located on relatively flat land. Elevations on the Property range from approximately 24 feet above mean sea level at the western boundary of the Property to approximately 28 feet above mean sea level at the eastern boundary of the Property. The soils of the proposed project Property are classified as Ewa silty clay loam, (EaA) with slopes ranging between 0 and 3%. These soils cover the entirety of the project Property. These soils are generally well drained, with a low runoff class with the depth to water table being generally more than 80 inches. The Property was formerly under sugar cane cultivation and residential uses, both of which may have involved mechanical earth moving, grading and/or grubbing that may have altered the natural topography of the Property.

#### *Proposed Measures*

The project Property was previously altered by sugarcane cultivation as well as residential uses but has been vacant and unused since 2003. The topographic character of the Property is relatively flat and minimal grading will be required to prepare the Property for construction. BMPs will be implemented to minimize impacts during the construction. The soil composition of the project Property is not expected to be significantly altered. As such no adverse impacts to topography and soils are anticipated.

### **Flood and Tsunami Hazard:**

#### *Existing Conditions*

Flood Insurance Rate Map Panel Number 1500030362F as revised November 04, 2015 indicates that the project Property is in an area outside the 0.2% annual chance floodplain or an area of minimal chance of flood (Zone X). The Property is located within the coastal tsunami evacuation area.

#### *Proposed Measures*

The project Property is located within an area of minimal flooding. Due to its situation within the coastal tsunami evacuation area, evacuation routes during a tsunami event would be available via the existing crosswalk at the signalized Honoapiilani Highway and Dickenson Street intersection to the nearest "Safe Zone" relative to the project Property, which is located at the southeast corner of the Honoapiilani Highway and Dickenson Street intersection. No adverse impacts on the flood and tsunami hazard zones are anticipated during implementation of the project.

## **Noise Characteristics:**

### *Existing Conditions*

The project Property is currently vacant with existing background noise in the vicinity of the project Property coming from traffic along Honoapiilani Highway, Dickenson Street and other Lahaina neighborhood generated noises such as that attributed to Sacred Hearts School where children playing, school operations, church bells, etc. contribute to the background noise of the area.

### *Proposed Measures*

In the short term, construction related activities will be the primary source of noise pollution. Noise from vehicle and machinery activities can be mitigated by proper maintenance and the use of mufflers or other noise control equipment. Construction work will be scheduled during appropriate working hours to limit adverse impacts to sensitive residential receptors in the vicinity of the project. Material dust barriers built around the Property boundary may help to attenuate noise from construction activities leaving the Property. Sacred Hearts School classrooms have air conditioning and as such keep windows and doors closed for most of the school day. This will help to keep construction noise from disrupting class on the short term. The Applicant will work with Sacred Hearts School to find ways to mitigate construction noise impacts on potential sensitive special events or School activities. The Applicant will maintain communication with the School to determine appropriate mitigation during the construction phase. Once completed the proposed project is not expected to be a source of noise pollution.

The proposed project design includes insulated windows, doors, walls, ceiling and floors which will reduce the impact of noise primarily from Honoapiilani Highway on future tenants. As such, in the long term, the proposed project will generate noise that is typical of residential use and is not anticipated to generate any significant adverse noise pollution.

## **Visual Resources and Urban Design:**

### *Existing Conditions*

The project Property is located on Dickenson Street near the downtown part of Lahaina Town and is also located within the Lahaina Historical Landmark District. Lahaina Town is known for its historic character and charm and efforts have been expended to preserve the historic character of the town. The Property is located within the Lahaina Historical Landmark District. The West Maui Community Plan sets objectives and policies for the urban design for West Maui and also specifically for Lahaina Town to help to maintain the historical character of the District.

Honoapiilani Highway borders the Property to the east. Due to the urbanized nature of the surrounding area, scenic resources in the vicinity of the project Property are limited. There are no scenic views across the project Property from public streets due to existing development on

abutting properties as well as the area's relatively flat topography. Also to the east lies vast expanses of vacant agricultural lands where sugar cane was formerly cultivated and these vacant fields lie between the mountains and the existing urbanized Lahaina Town center and proposed project Property.

#### *Proposed Measures*

Building design will be similar to the surrounding area and landscaping will provide visual buffering from the road looking at the building. The proposed project is consistent with the following specific objectives and policies set for the urban design of Lahaina Town intended to maintain the historical character of Lahaina:

#### *Landscape Character:*

*d. Landscaping along Wainee Street and other interior streets should be designed to soften the effects of the built environment and to provide buffers for parking areas.*

The project plans include landscaping around the perimeter of the building and on Property open air parking area. Additionally, existing mature trees on the property will be preserved to the extent possible in order to provide shade. Landscaping will provide a visual buffer between Honoapiilani Highway and the Property.

#### *Building Character:*

*a. New building and renovation of existing buildings in Lahaina town should respect the scale, texture, materials, and facades of existing structures in the Lahaina Historic District. Building heights should reflect the context of existing building heights and massing in the Lahaina Historic District. The maximum building heights shall be two stories or 35 feet with a mixture of one- to two- story building heights encouraged.*

*b. Building design should complement the pedestrian character of Lahaina town. Restraint and harmonious relationships with natural and man-made surrounding should characterize building form; harsh forms or shapes should be avoided; sloped roofs should be encouraged. Design elements which relate to human scale should be emphasized. Design features should reflect prevalent town themes through traditional or contemporary means. Such themes may include:*

- 1) First story awnings or covered walkways*
  - 2) Transom openings above windows and doorways*
  - 3) Multiple panes in storefront windows.*
  - 4) Second story balconies.*
- c. Encourage the use of natural materials in existing or new buildings.*
- d. Emphasize contrasting earth-tone color schemes for buildings.*

The architectural design of the building is inspired by the plantation style homes or “cane houses” of Historic Lahaina. The project proposes an 8-unit structure under 35’ in height consistent with the scale and size of surrounding structures and historical structures in Lahaina. Sloped roofs are utilized and only the makai portion of the structure consists of three (3) stories. Contrasting earth-tone paint colors are planned for the building and all of the ocean side second story apartments are designed to have balconies to complement the pedestrian character of Lahaina. No harsh forms, colors or shapes are included in the building designs and the Applicant plans to utilize mango wood preserved from old trees cut from the Property in building décor and design. Planters with native and tropical plants are planned along walk ways between the parking and the building further emphasizing the pedestrian character of the proposed project.

The Maui Urban Design Review Board reviewed the project plans on April 3, 2018. The UDRB voted to accept the proposed plans. Comments from the Chair and a member of the Board supported the three story element of the structure since it had the positive aspect of breaking up the scale and massing of the building elevation and roof structure.

As such, there are no significant adverse impacts on scenic and open space resources.

#### **OTHER GOVERNMENTAL APPROVALS**

In addition to the required county building permits, a Special Management Area Use Permit from the Maui Planning Commission and a Change of Zoning approval from the Maui County Council are required.

#### **TESTIMONY**

As of June 15, 2018, the Department has received no further communication other than what is attached to this report as “Exhibits.”

#### **ALTERNATIVES: CIZ**

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

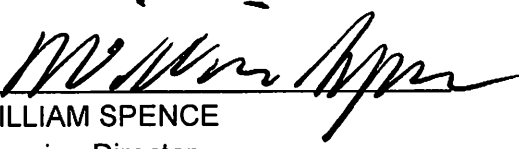


4. ***Recommend Denial:*** The Commission may take action to recommend that the Maui County Council deny the request.

**ALTERNATIVES: SMA**

At this time, the Department is recommending deferral on the SMA Use Permit until such time the Maui County Council approves the CIZ.

APPROVED:

  
\_\_\_\_\_  
WILLIAM SPENCE  
Planning Director







Date: 8/29/17

**Legend**

- 266 Dickenson, proposed 8-unit apartment
- Special Management Area Zone



Special Management Area Map

Source: County of Maui (2010)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.





Date: 8/5/17

**Legend**

266 Dickenson, proposed 8-unit apartment



Regional Location and Aerial Photo

Source: County of Maui (2010)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

EXHIBIT 3



#### SHEET INDEX

COVER SHEET  
 EXISTING CONDITIONS AND SITE ANALYSIS  
 EXTERIOR ELEVATIONS  
 INTERIOR ELEVATIONS  
 FLOOR PLANS  
 SECTION AND DETAIL ELEVATIONS  
 LANDSCAPE ARCHITECTURE

**266  
DICKENSON**

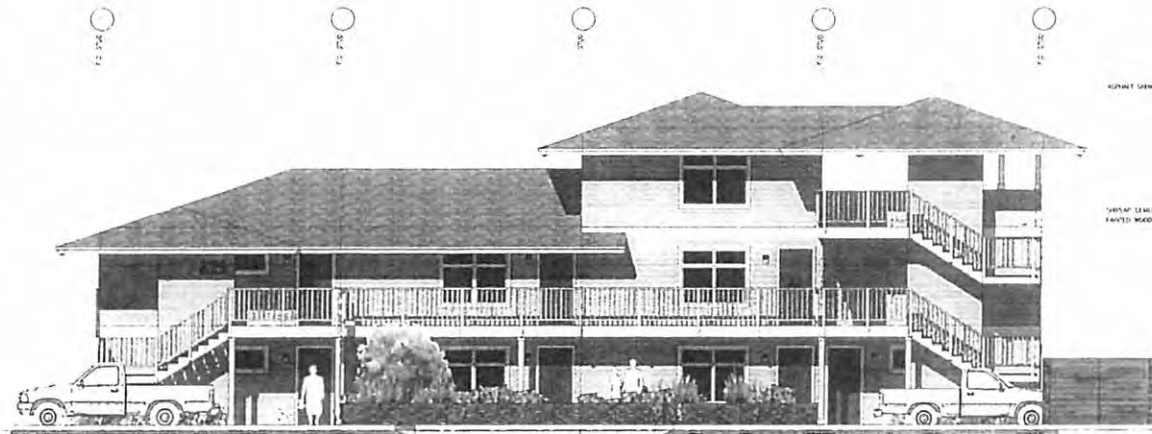
DOCUMENT NO.  
 0015-03-01

**pili**  
 design+build

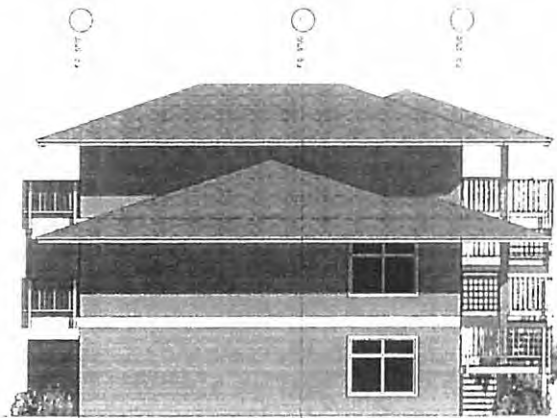
2070 Vineyard Street  
 Honolulu, HI 96813  
 www.pili-design.com

EXHIBIT  
 A





1 NORTH ELEVATION  
SCALE: 1/4"=1'-0"



2 EAST ELEVATION  
SCALE: 1/4"=1'-0"

KUMULI CHANCE, ARCH

UPPER LEVEL ROADSIDE CONC  
PAINTED WOOD BALCONY AND STAIRS

KUMULI CHANCE, ARCH

UPPER LEVEL ROADSIDE CONC  
PAINTED WOOD BALCONY AND STAIRS

288  
DICKENSON

DESIGNER  
2010-03-01

pili  
design + build

2010 Vineyard Street  
Waukegan, IL 60087  
www.pilidesignbuild.com

EXHIBIT

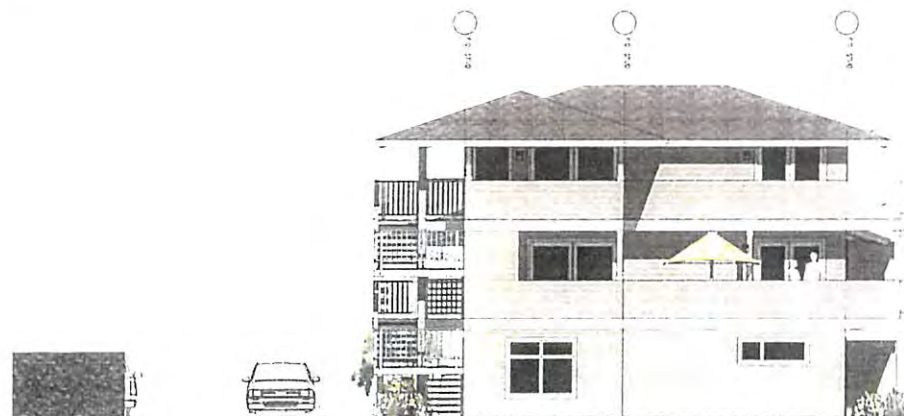
A9



1 SOUTH ELEVATION  
SCALE: 1/4"=1'-0"

WOODING LIGHT HALF TUBES 4x6  
TOP  
ACRYLIC STAINLESS STEEL

OUTDOOR LIGHT BOWLS 6x6  
PAINTED WOOD BOWLS



2 WEST ELEVATION  
SCALE: 1/4"=1'-0"

ACRYLIC STAINLESS STEEL

OUTDOOR LIGHT BOWLS 6x6  
PAINTED WOOD BOWLS

255  
DICKENSON

REGULATORY  
DRAWINGS

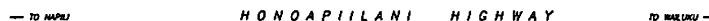
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pili  
design+build

2070 Vineyard Street  
Waltham, MA 02453  
www.pilidesignbuild.com

EXHIBIT

5

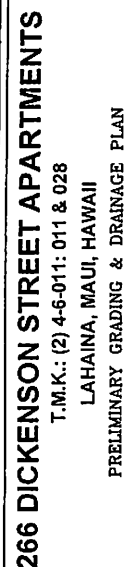


PAGE: (2) 4-6-P11: 027

**PRELIMINARY GRADING & DRAINAGE PLAN**  
SCALE: 1 IN. = 10 FT.

**APPROXIMATE EARTHWORK QUANTITIES**  
THE EARTHWORK QUANTITIES SHOWN HEREIN ARE FOR SECURING THE GRADING PERMIT ONLY. THE CONTRACTOR SHALL VERIFY THE QUANTITIES AND COMPLETE THE GRADING AS SHOWN ON THE PLAN.

CLEARING AND GRUBBING = 0.24 ACRES  
EMBANKMENT = 612 C.Y.  
EXCAVATION = 0.09 C.Y.

[illegible]

DESIGNED BY: A.H.M.D.
DRAWN BY: L.C.O.
PROJECT NO: 2017-41
DRAWING NAME: CRAD-00
DATE: 12-11-17

SHEET NO.

**C-1**

OF SHEETS

**OTOMC**  
ENGINEERING, INC.  
CONSULTING CIVIL ENGINEERS  
305 S. HIGH STREET, STE. W  
WILMINGTON, WY 84098 957-  
PHONE: (308) 242-0032

4-30-1

SIGNATURE	DATE
WILLIAM E. FORD, JR. (S) WILLIAM E. FORD, JR. (S)	10/10/10

EXHIBIT 6



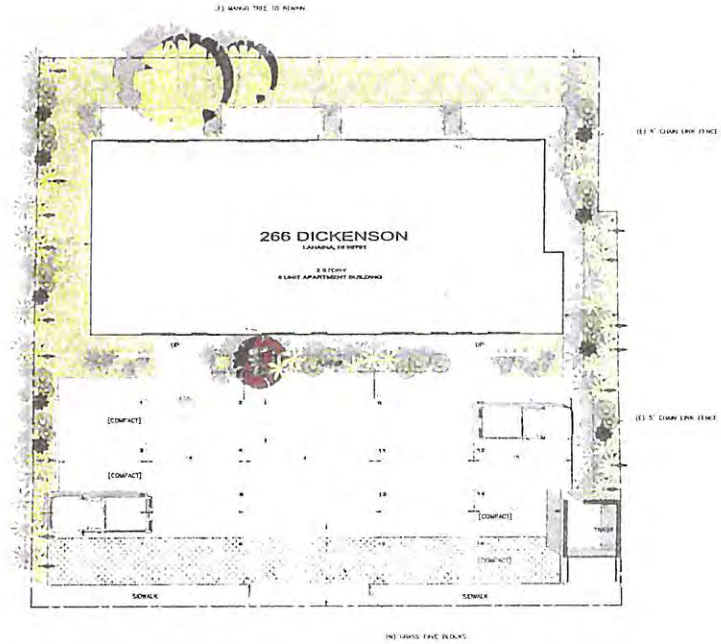
TMK: (2) 4-6 011: 011  
 TMK: (2) 4-6 011: 028

BUILDING DEPARTMENT INFORMATION

PROJECT NAME	APPLICABLE BUILDING CODE
PROJECT ADDRESS	LOT AREA
266 DICKENSON	PROJECT AREA
TERESA, HAWAII	
PROJECT DESCRIPTION	
STATE LAND USE DISTRICT	
COMMUNITY PLAN DESIGNATION	
ZONING	LOT COVERAGE
USE	J.A.P.
PERMIT/PROJECT NUMBER	
CONSTRUCTION TYPE (EXISTING/NEW)	BUILDING HEIGHT
PARKING INFORMATION	



NOTE



1 SITE PLAN  
 SCALE: 1/8"=1'-0"



266  
 DICKENSON

DOCUMENT NO.  
 2018-03-01

**pili**  
 design+build  
 2070 Vineyard Street  
 Waukele, HI 96793  
 www.piledesignbuild.com

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

April 20, 2018

Mr. Scott Glenn, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Dear Mr. Glenn:

**SUBJECT: MAUI PLANNING DEPARTMENT FINDING OF NO  
SIGNIFICANT IMPACT (FONSI) ON FINAL ENVIRONMENTAL  
ASSESSMENT (EA) ON THE PROPOSED DICKENSON  
STREET 8-UNIT APARTMENT BUILDING, LOCATED AT 266  
DICKENSON STREET, LAHAINA, ISLAND OF MAUI, HAWAII,  
TMK: (2) 4-6-011:011, (EA 2018/0002)**

With this letter, the Department of Planning (Department), hereby transmits the Final EA and FONSI determination for the above-referenced project for publication in the next available edition of *The Environmental Notice*. As the Director of Planning (Director), I have made a FONSI determination for the above listed project based on the Maui Planning Commissions review of the Draft EA at its March 27, 2018 meeting.

The Department is including copies of comments and responses that it received during the thirty (30) day public comment period on the Commission's Draft EA-FONSI. Also enclosed is a completed OEQC Publication Form, two (2) copies of the Final EA-FONSI, an Adobe Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word.

If you have any questions, please call Staff Planner Paul Fasi at [paul.fasi@mauicounty.gov](mailto:paul.fasi@mauicounty.gov) or at (808) 270-7814.

Sincerely,

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

WILLIAM SPENCE  
Planning Director

Attachments

xc: Paul F. Fasi, Staff Planner (PDF)  
Rory Frampton  
Project File

WRS:PFF:lk

K:\WP\_DOCS\PLANNING\CIZ\2018\0002\_266DickensonStApt\OEQC FEA-FONSI LTR.doc

EXHIBIT 8




This is a historical aerial photograph of Lahaina, Hawaii, taken in 1960. The image shows a coastal town with a mix of residential buildings, palm trees, and agricultural fields. A red rectangle is drawn on the image, highlighting a specific area in the upper right quadrant, which is identified as the project site with a residential dwelling at the time of the photo. The ocean is visible on the left side of the image, and the land is divided into various plots and fields.

Historical Aerial Photograph: 1960  
Red rectangle show approximate location of  
project site with residential dwelling at time of  
photo.

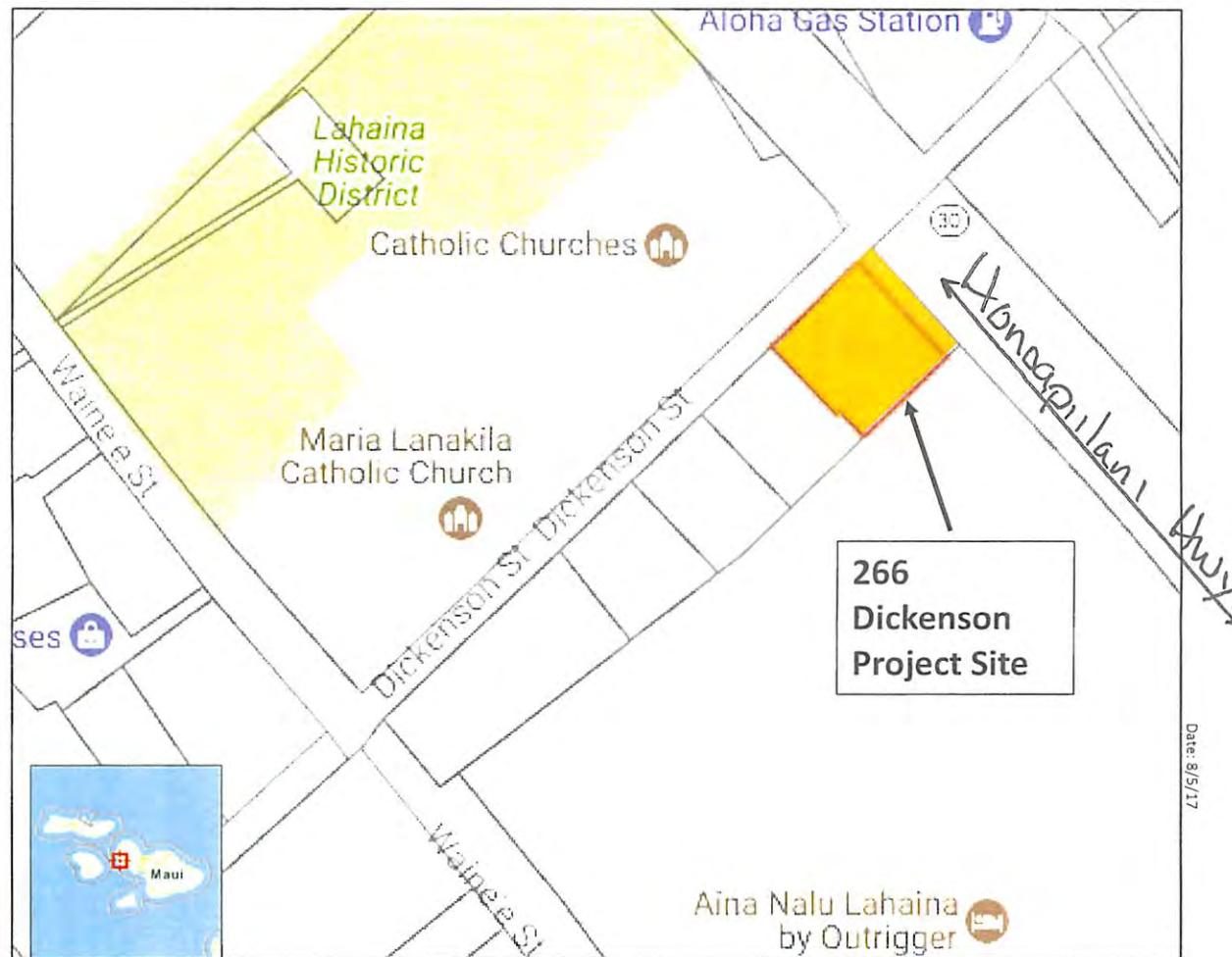
Source: <http://www.soest.hawaii.edu/coasts/erosion/mosaics.php?Area=lahaina>





Historical Aerial Photograph: 1949  
Red rectangle shows approximate project site  
location under sugar cane cultivation at time  
photo was taken

Source: (<http://www.soest.hawaii.edu/coasts/erosion/mosaics.php?sArea=lahaina>)



**Legend**

266 Dickenson, proposed 8-unit apartment



Location and Surrounding Uses

Source: County of Maui (2010)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

EXHIBIT 11



17/6676

RECEIVED

DEC 12 2017

COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793



Zoning Administration and  
Enforcement Division (ZAED)  
Telephone: (808) 270-7255  
Facsimile: (808) 270-7634  
E-mail: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)

DEPT. OF PLANNING  
COUNTY OF MAUI

## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Christopher Ondat TELEPHONE 808-281-3241  
PROJECT NAME 266 Dickenson St Apartment E-MAIL mgill.336@gmail.com  
PROPERTY ADDRESS 266 Dickenson Street, Lahaina, HI TAX MAP KEY (2) 4-6-011:028

- ☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A) ☐ Yes ☒ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law): \_\_\_\_\_

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

### LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: <sup>1</sup>

☒ (SMA)

Special  
Management Area

STATE DISTRICT: ☒ Urban ☐ Rural ☐ Agriculture ☐ Conservation

MAUI ISLAND Growth Boundary: ☒ Urban ☐ Small Town ☐ Rural ☐ Planned Growth Area ☐ Outside Growth Boundaries

PLAN Protected Area: ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: <sup>2</sup> Multi-family residential

COUNTY ZONING: R-2 (residential)

OTHER/COMMENTS: National Historic Landmark District

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES <sup>3</sup>

& BASE FLOOD ELEVATIONS: Zone X

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH: \_\_\_\_\_

- ☐ (PD)  
Planned  
Development  
☐ (PH)  
Project District  
☐ See  
Additional  
Comments (Pg.2)  
☐ See  
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent, (LUDs appear to have NO permitted uses in common).

(Signature)

- ☐ Not Applicable, (Due to processing under consistency exemption No. ☐1, ☐2, ☐3, ☐4, ☐5).  
☐ Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ <sup>4</sup> Consistent, (LUDs appear to have ALL permitted uses in common).

☐ <sup>4</sup> Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ <sup>4</sup> Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

### NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

### REVIEWED & CONFIRMED BY:

Shelly M. Kan-Hai Shelly M. Kan-Hai

(Signature)

12/29/17

(Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

# CHANGE OF ZONING APPLICATION

Please print legibly or type the following.

Permit Number(s): CIZ 2018 - 0002

## PROPERTY ADDRESS & INFORMATION


<b>Project Name:</b> 266 Dickenson Street Apartments	<b>Tax Map Key No.:</b> (2) 4-6-011:011 & 028
<b>Total Area:</b> 10,595 SF	<b>Valuation*:</b> \$885,000
<b>Physical Address/Location of Project:</b> 266 Dickenson Street, Lahaina, Hawaii, 96761	
* Total cost or fair market value, as estimated by an architect, engineer, or contractor licensed by the State of Hawaii Dept. of Commerce and Consumer Affairs; or, by the administrator of Dept. of Public Works, Development Services Administration.	

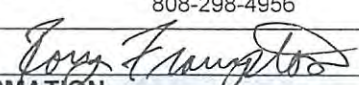
## DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

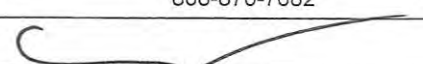
<b>Describe the existing use:</b> Vacant Lot	FEB -5 P2
<b>Describe the proposed use:</b> Construction of an 8-unit apartment building consisting of seven (7) 2-bedroom units and one (1) single-bedroom unit, as well as two (2) onsite parking spaces per unit, including minor grading and grubbing as well as installation of utilities and drainage improvements.	

LAND USE DESIGNATIONS	Existing	Proposed
State Land Use District Boundary	Urban	Urban
Maui Island Plan	Urban Growth Boundary	Urban Growth Boundary
Community Plan	Multi-Family	Multi-Family
County Zoning	D-2 Duplex and R-2 Residential	A-2 Apartment
Other (i.e. SMA)	SMA, National Historic Landmark District	SMA, National Historic Landmark District

## CONTACT INFORMATION

<b>APPLICANT INFORMATION</b>				
<b>Name(s):</b> Christopher Ondatje		<b>Email:</b> alliancehawaii@yahoo.com		
<b>Mailing Address:</b> 14 N Iwa Place, Lahaina, Hawaii, 96761				
<b>Phone Number(s)</b>	<b>(bus)</b> 808-870-7682	<b>(hm)</b>	<b>(cell)</b>	<b>(fax)</b>
<b>Signature(s):</b> 		<b>Date:</b> 2/01/2018		

<b>CONSULTANT INFORMATION</b>				
<b>Name(s):</b> Rory Frampton		<b>Email:</b> rory@roryframpton.com		
<b>Mailing Address:</b> 340 Napoko Pl, Kula, HI, 96790				
<b>Phone Number(s)</b>	<b>(bus)</b> 808-298-4956	<b>(hm)</b>	<b>(cell)</b>	<b>(fax)</b>
<b>Signature(s):</b> 		<b>Date:</b> 2/1/18		

<b>OWNER INFORMATION</b>				
<b>Name(s):</b> Christopher & Katherine Ondatje Trust and Marshall 2012 Kerr		<b>Email:</b> alliancehawaii@yahoo.com		
<b>Mailing Address:</b> 14 and 20 N Iwa Place, Lahaina, Hawaii, 96761				
<b>Phone Number(s)</b>	<b>(bus)</b> 808-870-7682	<b>(hm)</b>	<b>(cell)</b>	<b>(fax)</b>
<b>Signature(s):</b> 		<b>Date:</b> 2/01/2018		



# APPLICATION Special Management Area Use Permit (SM1)

Please print legibly or type in the information below.

County Use Only

Permit Number: SM 1 **2018 0002**

## PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used) 266 Dickenson Street Apartments

Tax Map Key No: (2) 4-6-011:011 & 028

Total Lot Area: 10,595 SF

Physical Address / Location of Project: 266 Dickenson Street, Lahaina, HI 96761

Additional Location Information:

## DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: Vacant Lot

Describe the Proposed Action:

Include a description of all proposed ground altering activities (e.g. area of disturbance, quantity of fill, depth of excavation, etc.).

Construction of an 8-unit apartment building consisting of seven (7) 2-bedroom units and one (1) single-bedroom unit, as well as two (2) onsite parking spaces per unit, minor grading and grubbing and installation of utilities and drainage improvements.

Valuation\*: \$885,000

Building Permit Application No: (if applicable)

\*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

## CONTACT INFORMATION

### APPLICANT INFORMATION

Applicant's Name(s): Mr. Christopher Ondatje

Email: alliancehawaii@yahoo.com

Mailing Address: 14 N. Iwa Place, Lahaina, HI 96761

Phone Number(s): bus 808-870-7682 hm

mobile fax

Signature(s): [Signature]

Date: 2/01/2018

### CONSULTANT INFORMATION

Contact Name(s): Rory Frampton

Email: rory@roryframpton.com

Mailing Address: 340 Napoko Place, Kula, HI 96790

Phone Number(s): bus 808-298-4956 hm

mobile (808) 298-4956 fax

Signature(s): [Signature]

Date: 2/1/18

### OWNER INFORMATION

Owner's Name(s): Christopher & Katherine Ondatje Trust, and Marshall 2012 Kerr Trust

Email: alliancehawaii@yahoo.com

Mailing Address: 14 N. Iwa Place, and 20 N. Iwa Place, Lahaina HI 96761

Phone Number(s): bus 808-870-7682 hm

mobile fax

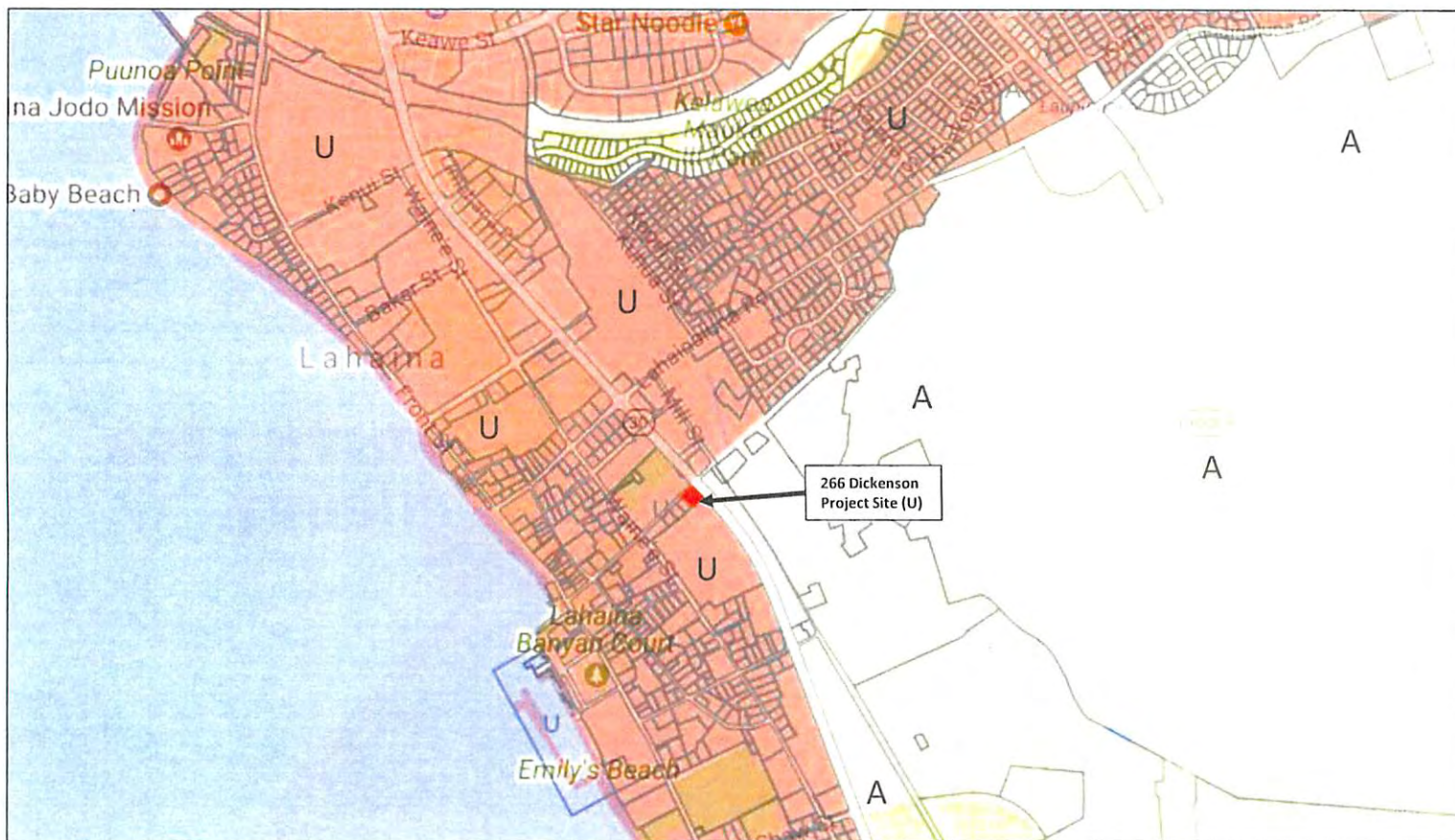
Signature(s): [Signature]

Date: 2/01/2018

County of Maui, Department of Planning  
SM1 Application Packet (Revised Aug 2013)

County Use Only  
Initial Application Review by:





Date: 8/29/17

**Legend**

- 266 Dickenson, proposed 8-unit apartment
- U Urban State Land Use District
- A Agricultural State Land Use District

Source: County of Maui (2010)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



State Land Use District Map

EXHIBIT

15



**Legend**

266 Dickenson, proposed 8-unit apartment



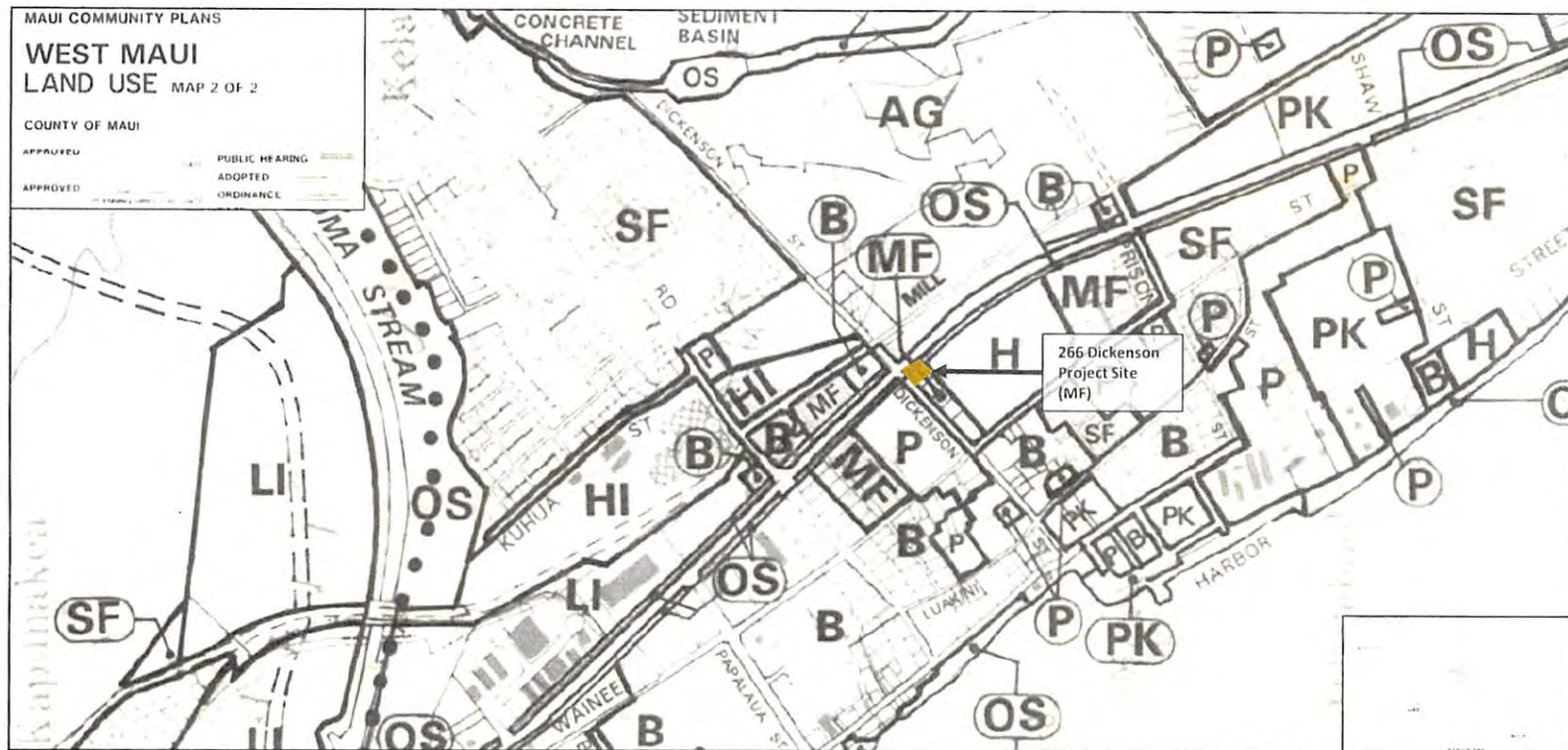
Maui Island Plan Directed Growth Map

Source: County of Maui (2012)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

EXHIBIT 16





Date: 8/29/17

# Legend

	266 Dickenson, proposed 8-unit apartment	OS	Open Space
SF	Single Family Residential	PD	Project District
MF	Multi Family Residential	AP	Airport
B	Business/Commercial	AG	Agricultural
SBR	Service Business/Residential	R	Rural
BMF	Business/Multi-Family	C	Conservation
HI	Heavy Industrial	.....	Bikeway
LI	Light Industrial	<	One-way Street
H	Hotel		
P	Public/Quasi-Public		
PK	Park (GC) Golf Course		



West Maui Community Plan Map

Source: County of Maui (1996)

Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

18/1947

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

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



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

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

CARY YAMASHITA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

April 3, 2018

COUNTY OF MAUI  
DEPT. OF PLANNING - CURRENT

APR 13 2018  
**RECEIVED**

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS *DCG*

SUBJECT: **DRAFT ENVIRONMENTAL ASSESSMENT IN SUPPORT OF CHANGE  
IN ZONING AND SPECIAL MANAGEMENT AREA USE PERMIT  
FOR PROPOSED DICKENSON STREET APARTMENTS  
TMK: (2) 4-6-011:011, 028  
CIZ 2018/0002; SM1 2018/0002; EA 2018/0002**

We reviewed the subject application and have the following comment:

Comment from the Department of Public Works' Engineering Division:

1. Frontage improvements (i.e., curb, gutter, sidewalk) shall meet the Department of Public Works' Engineering Division's requirements.

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\Engr\CZM\Draft Comments\46011011\_028\_266\_dickenson\_st\_8\_unit\_apr\_ciz\_sm1\_ea.rtf

**EXHIBIT 18**

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Mr. David Goode, Director  
Department of Public Works  
County of Maui  
200 S. High Street, Rm. 434  
Wailuku, HI 96793

Dear Mr. Goode,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department dated April 3, 2018 on the above referenced project.

1. Road Frontage Requirements. The applicant and his representatives, including Stacy Otomo, from Otomo Engineering, have been in discussions with your Department regarding the road frontage requirements for the project in consideration of the existing narrow right of way along Dickenson Street. The civil engineering site plan for the project included in the Draft EA represents the plan agreed to by the Department's Engineering Division and includes provision of two 10 ft wide travel lanes and sidewalk improvements along the property frontage. It is our understanding that since these roadway improvements do not meet DPW's standard requirements, the Maui County Council will need to approve the modifications as conditions to the proposed change in zoning ordinance. We appreciate your Department's assistance in addressing these issues.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant  
Mr. Nolly Yagin, DPW, Engineering Division  
Mr. Stacy Otomo, Otomo Engineering

**REPLY TO**  
**EXHIBIT** 18

ALAN M. ARAKAWA  
Mayor

DAVID C. GOODE  
Director

ROWENA M. DAGDAG-ANDAYA  
Deputy Director

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



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

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

CARY YAMASHITA, P.E.  
Engineering Division

JOHN R. SMITH, P.E.  
Highways Division

May 24, 2018

Mr. Rory Frampton  
Rory Frampton Consulting Inc.  
340 Napoko Place  
Kula, Maui, Hawaii 96790

Dear Mr. Frampton:

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT IN SUPPORT OF A  
CHANGE IN ZONING AND SPECIAL MANAGEMENT AREA USE  
PERMIT FOR PROPOSED DICKENSON STREET  
APARTMENTS; TMK: (2) 4-6-011:011, 028; RESPONSE TO  
DEPARTMENT OF PUBLIC WORKS COMMENTS**

We are in receipt of your letter dated April 19, 2018 and offer the following comments regarding road frontage requirements.

1. Provide travel lanes with a minimum width of ten feet (10'-0") in both directions.
2. Provide a four inch (4") white edge stripe on the north side of Dickenson Street with horizontal clearances to existing walls as shown in EXHIBIT "A".
3. Provide a standard six inch (6") high concrete curb (no gutter required) for the entire frontage of TMK (2) 4-6-011:011 and 028. New six inch (6") high curb shall transition back to and tie-in to existing concrete curb along Honoapiilani Highway.
4. Provide a standard six foot (6'-0") wide concrete sidewalk starting at the back of the curb described in Item No. 3. New six foot (6'-0") sidewalk shall transition back to and tie-in to existing concrete sidewalk along Honoapiilani Highway. A new Americans with Disability Act (ADA) compliant curb ramp shall be re-constructed at the southwest corner of the intersection of Dickenson Street and Honoapiilani Highway.

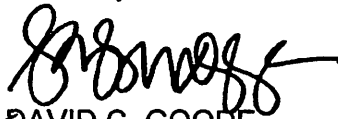
**EXHIBIT 18a**

Mr. Rory Frampton  
May 24, 2018  
Page 2

5. Eradicate existing four inch (4") double yellow centerline (CL) stripe and twelve inch (12") white stopbar. Install new four inch (4") double yellow CL stripe and twelve inch (12") white stopbar as shown in EXHIBIT "A".

Should you have any questions, please contact Shayne Agawa from the Engineering Division at 270-5540.

Sincerely,



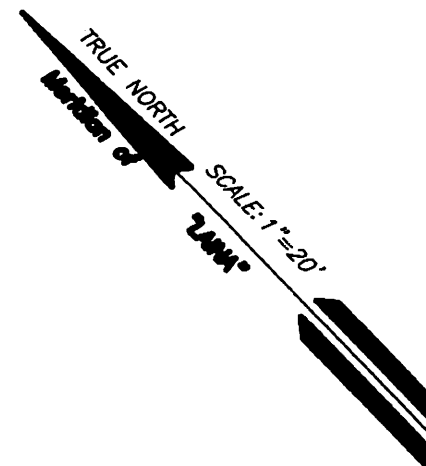
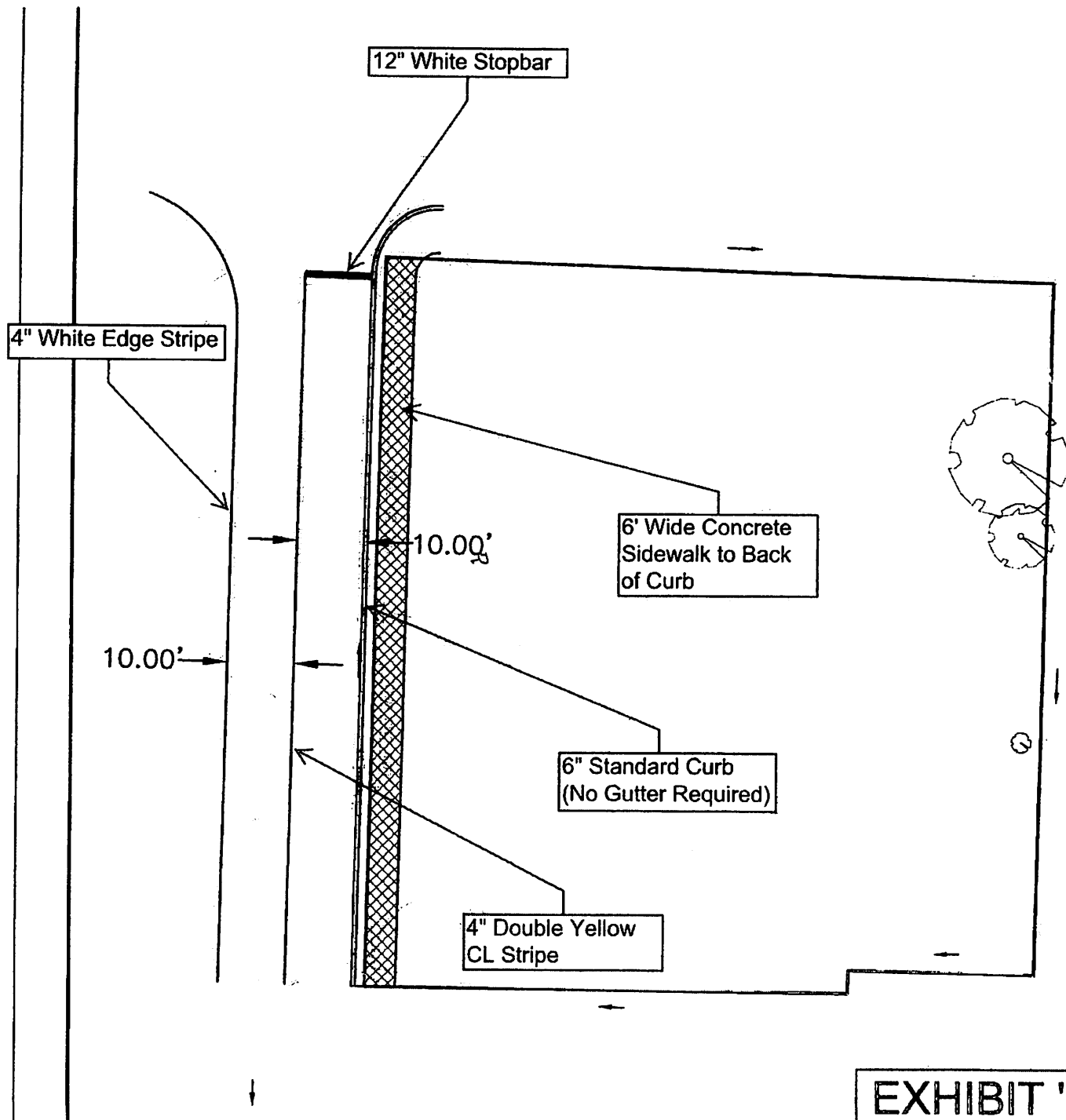
DAVID C. GOODE  
Director of Public Works

DCG:SA:jso

Enclosure

xc: Engineering Division

S:\PWADMIN\Jso\Rowena\2018\_Dickenson Street Apts.doc



This work was prepared by me  
or under my direct supervision.  
VALERA, INC.

EXHIBIT "A"

Edgardo V. Valera Lic. Exp. 4/18  
Licensed Professional Land Surveyor



# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

June 6, 2018

Mr. David Goode, Director  
Department of Public Works  
County of Maui  
200 S. High Street, Rm. 434  
Wailuku, HI 96793

Dear Mr. Goode,

**RE: Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department dated May 24, 2018 on the above referenced project.

Road Frontage Requirements. The applicant concurs with the roadway frontage improvement requirements as specified in your letter. These requirements are shown on the engineering site plan dated December 11, 2017. It is our understanding that since these roadway improvements do not meet the standard requirements, the Maui County Council will need to approved the modifications as conditions to the proposed change in zoning ordinance. We appreciate your Department's assistance in addressing these issues.

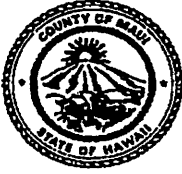
Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant  
Mr. Nolly Yagin, DPW, Engineering Division  
Mr. Stacy Otomo, Otomo Engineering

**REPLY TO  
EXHIBIT 18a**



DEPARTMENT OF  
HOUSING AND HUMAN CONCERNS  
COUNTY OF MAUI

ALAN M. ARAKAWA  
Mayor

CAROL K. REIMANN  
Director

JAN SHISHIDO  
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7165 • EMAIL director.hhc@mauicounty.gov

Date: March 9, 2018  
To: Paul Fasi, staff planner  
From: C. Buddy Almeida, Housing Administrator  
Subject: Preliminary Planning Review  
Applicability to Residential Workforce Housing Policy; Ordinance 3418  
Chapter 2.96, MCC

Project Name: DICKENSEN STREET APARTMENTS  
Applicant: Christopher Ondatje; alliancehawaii@yahoo.com  
Subject I.D.: CIZ 2018/0002, SM1 2018/0002, EA 2018/0002  
TMK: (2) 4-6-011:011 & 028  
Street Address: 266 Dickensen Street, Lahaina  
Determination:

<input checked="" type="checkbox"/> <b>Not-Applicable</b> Does not meet applicability as set forth in 2.96.030(A), MCC
<input type="checkbox"/> <b>Applicable</b> <input type="checkbox"/> <b>No Exemptions</b> <input type="checkbox"/> <b>Exemptions: (2.96.030)</b> <ul style="list-style-type: none"><li><input type="checkbox"/> B.1. An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter.</li><li><input type="checkbox"/> B.2. A development subject to a change in zoning condition that requires affordable or residential workforce housing.</li><li><input type="checkbox"/> B.3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006)</li><li><input type="checkbox"/> B.4. A building permit application submitted prior to the effective date of this chapter.</li><li><input type="checkbox"/> B.5. A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code.</li><li><input type="checkbox"/> B.6. A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.</li></ul>

Additional Comments: ☐ See comments below ☐ See Attachment(s)  
☒ We have NO comment

--

Reviewed By:

C. Buddy Almeida

Date

3/9/18

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Ms. Carol Reimann, Director  
Department of Housing and Human Concerns  
County of Maui  
200 S. High Street  
Wailuku, HI 96793

Dear Ms. Reimann,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department dated March 9, 2018 on the above referenced project.

1. Workforce Housing Applicability. Your correspondence confirms that Chapter 2.96, MCC, is not applicable to the proposed project.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant

**REPLY TO**  
**EXHIBIT** 19

ALAN M ARAKAWA  
Mayor



DAVID TAYLOR, P E  
Director

GLADYS C BAISA  
Deputy Director

DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2155  
[www.mauewater.org](http://www.mauewater.org)

March 21, 2018

Paul Fasi, Staff Planner  
Department of Planning  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793

Subject: Environmental Assessment (EA), Change in Zoning (CIZ), and Special Management Area (SMA)  
Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina  
TMK: (2) 4-6-011:011 and 028

Dear Mr. Fasi,

Thank you for the opportunity to comment on this proposed 8-unit apartment building project.

**Consumption**

The Department of Water Supply (DWS) notes the CIZ to multi-family increases water demand, according to Water System Standards, Hawaii, 2002, from 1,200 gallons per day (gpd) for a duplex to 4,480 gpd for the eight unit multifamily residences. The additional demand results in 3,280 gpd. The project could be subject to the limitations set forth in Title 16, Chapter 201, of the County Administrative Rules, Rules Relating to Water Service and Large Quantities of Water.

Please see the attached previous comment letter dated September 6, 2017 including Best Management Practices.

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Baisa".

Gladys C Baisa, Deputy Director  
apd  
Attachments

*"By Water All Things Find Life"*

EXHIBIT 20

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Ms. Gladys Baisa, Deputy Director  
Department of Water Supply  
200 S. High Street  
Wailuku, HI 96793

Dear Ms. Baisa

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department dated March 21, 2018 on the above referenced project.

1. Consumption and Title 16, Chapter 201. Your correspondence notes that based on the Department's standards, the estimated increase in water consumption is 3,280 gpd and that the project may be subject to limitations established by Title 16, Chapter 201. Based on recent discussions with Wendy Taomoto, DWS's Chief Engineer, it is our understanding that the project would not be subject to limitations based on the Department's current estimate of reliable capacity and usage. However, the applicant is aware that this is subject to change and that a water meter reservation can only be requested after all entitlements are complete. The applicant intends on requesting a water meter reservation after completion of the Change in Zoning and SMA Permit process.
2. September 9, 2017 letter. Your previous letter dated September 9, 2017 is acknowledged. This letter provided information on source availability, system infrastructure and conservation and pollution prevention BMPs. This information was incorporated into the EA.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments. ras


Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant  
Mr. Stacy Otomo, Otomo Engineering

**REPLY TO**  
**EXHIBIT** 20

**AGENCY TRANSMITTAL RESPONSE e-FORM**  
**FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI**  
3/14/2018

<b>AGENCY NAME</b>	Department of Environmental Mgmt.	<b>PHONE</b>	270-8230
<b>PROJECT:</b>	Dickenson Street Apartments		
<b>APPLICANT:</b>	Christopher Ondatje; alliancehawaii@yahoo.com		
<b>STREET ADDRESS:</b>	266 Dickenson Street, Lahaina		
<b>PROJECT DESCRIPTION:</b>	8-unit apartment bldg.		
<b>TMK:</b>	(2) 4-6-011:011 & 028		
<b>PERMIT NO.:</b>	CIZ 2018/0002, SM1 2018/0002, EA 2018/0002		
<input checked="" type="checkbox"/> <b>COMMENTS/RECOMMENDATIONS</b> <input type="checkbox"/> <b>NO COMMENTS</b>			
<b>WASTEWATER RECLAMATION DIVISION COMMENTS</b>			
<p>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.</p> <p>b. Wastewater contribution calculations are required before building permit is issued.</p> <p>c. Developer is not required to pay assessment fees for this area at the current time</p> <p>d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.</p> <p>e. Show or list minimum slope of new sewer laterals.</p> <p>f. Plans should show the installation of a single service lateral and advanced riser for each lot. Any request for waiver of this requirement shall be made submitted in writing for approval by WWRD.</p> <p>g. Any new laterals installed for the subject project shall be connected to the existing 8" sewerline fronting the subject property along Dickenson Street. If available, existing sewer laterals may be utilized, however, the laterals shall be upgraded to 6" PVC, if verified to be of smaller size and made of a different material.</p> <p>h. Plans shall show the existing property sewer service manhole near the property line for each lateral.</p> <p>i. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)</p> <p>j. Non-contact cooling water and condensate should not drain to the wastewater system.</p>			
<input type="checkbox"/> <b>COMMENTS/RECOMMENDATIONS</b> <input checked="" type="checkbox"/> <b>NO COMMENTS</b>			
<b>SOLID WASTE DIVISION COMMENTS</b>			
<b>Signed:</b>			
	3/14/2018		
<b>Print Name:</b>	Michael M. Miyamoto, Deputy Director		<b>Date</b>

**EXHIBIT 21**

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Mr. Mike Miyamoto, Deputy Director  
Department of Environmental Management  
County of Maui  
200 S. High Street, Rm. 434  
Wailuku, HI 96793

Dear Mr. Miyamoto,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department dated March 14, 2018 on the above referenced project.

1. Wastewater Reclamation Division Requirements. The applicant is aware that capacity of the wastewater system is currently available but cannot be ensured until issuance of a building permit. The applicant is aware and will comply with the standard requirements for connection to wastewater service as identified in your comments.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant  
Mr. Nolly Yagin, DPW, Engineering Division  
Mr. Stacy Otomo, Otomo Engineering

**REPLY TO  
EXHIBIT 21**

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Mr. Paul Fasi, Planner  
Department of Public Works  
County of Maui  
2200 Main Street, Suite 619  
Wailuku, HI 96793

Dear Mr. Fasi,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by the Maui Planning Commission at the regular meeting of March 27, 2018, regarding the Draft Environmental Assessment for the above referenced project. The following are summary points discussed with the Commission.

1. Traffic circulation. In order to reduce the potential for traffic backing up onto to the highway, left turns into the project from Dickenson will be prohibited. This recommendation by the applicant's traffic engineer was also supported by the Maui Police Department. Also, left turns out of the project will also be restricted, as recommended by the Police Department. Comments from the State Department of Transportation also support limiting movements in and out of the project to right turns only.
2. Width of Dickenson is narrow, it should be considered as a one way street. The applicant and his representatives, including Stacy Otomo, from Otomo Engineering, have been in discussions the Department of Public Works regarding the road frontage requirements for the project in consideration of the existing narrow right of way along Dickenson Street. Portions of the applicant's property will be improved to include a sidewalk while allowing for the maintenance of two 10 ft. wide travel lanes along Dickenson Street. The civil engineering site plan for the project included in the Draft EA represents the plan agreed to by the Department's Engineering Division and includes provision of two 10 ft wide travel lands and sidewalk improvements along the property frontage.

It is our understanding that the Department of Public Works has requested funding to look at overall traffic circulation in Lahaina Town. If the funding is granted the Department will be studying the idea of making Dickenson a one-way street. This is not something that the applicant can initiate or implement via this project as it will involve a comprehensive look at all of Lahaina Town's street's and may require changes in traffic ordinances to implement.

3. Pedestrian safety. Concerns were expressed regarding pedestrian safety for Sacred Hearts students along Dickenson Street. The school has implemented a policy whereby all drop-off and pick-ups occur off of Wainee Street. With the exception of the service driveway near

**EXHIBIT 12**

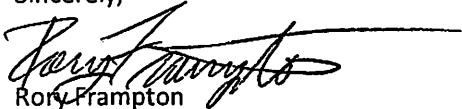


Honoapiilani Highway which is closed most of the day, there is no access onto the school property along Dickenson as a wall runs down the school property all the way to Wainee Street. The applicant will be providing a sidewalk along the property frontage which will provide for a safe refuge for pedestrians crossing Dickenson at the Highway. Also, the clearing of older vegetation and the "opening up" of the project corner will improve site distance for cars turning left from the highway onto Dickenson St.

4. Is there off-site runoff entering the property? Off-site runoff does not enter the property from Honoapiilani Highway. There is a curb that directs runoff onto Dickenson Street. Once on Dickenson Street, runoff flows down the street and does not enter the property.
5. Concerns regarding building height. There is a provision in the West Maui Community Plan that recommends that buildings in Lahaina Town be limited to two stories or 35 ft. in height. The Planning Department's policy is to regulate height limitations via actual height verses stories. The building will not exceed 35 ft. in height. Furthermore, when this project was reviewed by the Maui Urban Design Review Board on April 3, 2018, comments by the Chair and another committee member voiced support for the three story component. They felt it had the positive effect of breaking up the massing of the building and roof.
6. Construction impacts to school activities. As described in the EA, the applicant has been in contact with the school in order to maintain a positive dialogue with school staff. School classrooms are air conditioned and this will provide mitigation from potential noise impacts. The applicant will ask school officials to notify them of potential noise sensitive activities that may be taking place outside of the classrooms, such as outside ceremonies or events so that potentially distracting construction activities can be scheduled around the sensitive times.
7. Utility pole relocation. The utility pole near the mauka corner of the property will have to be relocated in order to allow for sufficient sidewalk width.

Thank you for the opportunity to provide these responses. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,



Rory Frampton

cc: Mr. Christopher Ondatje, Applicant

STATE DOT -  
MAUI OFFICE

**From:** "Krueger, Joseph K" <joseph.k.krueger@hawaii.gov>  
**To:** "paul.fasi@mauicounty.gov" <paul.fasi@mauicounty.gov>  
**CC:** "Matsuda, Annette DH" <annette.dh.matsuda@hawaii.gov>  
**Date:** 3/14/2018 10:05 AM  
**Subject:** DICKENSEN STREET APARTMENTS - CIZ 2018/0002, SM1 2018/0002, EA 2018/0002

Mr. Fasi,

We have reviewed the subject project submittal and offer the following comments:

1. Traffic will be mitigated by not allowing direct access to Honoapiilani Highway and restricting the new driveway on Dickensen Road to right-in and right-out only.
  2. Drainage will mitigated by the onsite improvements.
  3. The noise from Honoapiilani Highway is planned to be mitigated by insulating the windows, walls, ceiling, and floors of the new building. However the developer may construct at his cost a sound wall along Honoapiilani Highway like the existing wall adjacent to this project.
- If you have any questions, please call Joe Krueger or Annette Matsuda at 873-3535.  
Thank you  
Joe Krueger

EXHIBIT 23

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Mr. Joe Krueger, Engineer  
Department of Transportation, Maui Office  
State of Hawaii  
650 Palapala Drive  
Kahului, HI 96732

Dear Mr. Krueger,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department via email dated March 14, 2018 on the above referenced project.

1. Your email acknowledges that traffic will be mitigated by not allowing direct access onto Honoapiilani Highway and restricting the new driveway to right-in and right-out only.
2. Your email also acknowledges that drainage impacts will be mitigated by on-site improvements.
3. Lastly, your email notes that the applicant is proposing to mitigate noise impacts from the Highway via insulating walls, windows, floors and doors and that the applicant has the option of constructing a sound wall similar to the one on adjacent properties. At this point, the applicant is not proposing to construct a sound wall.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,



Rory Frampton

cc: Mr. Christopher Ondatje, Applicant

**REPLY TO**  
**EXHIBIT** 23

11561  
DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

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

March 22, 2018

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

Attn: Paul Fasi

Dear Mr. Spence:

COUNTY OF MAUI  
DEPT OF PLANNING  
MAR 27 2018  
RECEIVED

**Subject: DICKENSON STREET APARTMENTS**  
**Applicant: Christopher Ondatje; alliancehawaii@yahoo.com**  
**Permit No.: CIZ 2018/0002, SM1 2018/0002, EA 2018/0002**  
**TMK: (2) 4-6-011:011 & 028**  
**Location: 266 Dickenson Street, Lahaina**  
**Description: 8-unit apartment building**

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

The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor & Radiological Health Branch at 808 586-4700.

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.

**EXHIBIT 24**

Mr. William R. Spence  
March 22, 2018  
Page 2

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

Sincerely,

A handwritten signature in black ink, reading "Patti Kitkowski". The signature is written in a cursive style with a large, stylized "P" and "K".

Patti Kitkowski  
District Environmental Health Program Chief

c EPO

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

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

Dear Ms. Kitkowski,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by your department via email dated March 22, 2018 on the above referenced project.

1. Noise Control. The applicant is aware of the need to comply with Chapter 11-46 "Community Noise Control". It is not anticipated that a noise permit will be required for the proposed action.
2. Standard Comments. The standard comments have been reviewed and there do not appear to be any directly applicable requirements pertaining to the proposed project.

Thank you for your comments. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant

**REPLY TO**  
**XHIBIT 24**

text\_0 (3)

I am responding with the consideration of the Finding of no significant impact for 266 Dickenson St, Lahaina application to change zoning to apartment from residential and duplex. The sidewalk would reduce the two lane street to 22' so I think it should be made a single lane street. Also the school parking lot across the street should be closed as it is problematic. Their commercial recycling bins could not be serviced because commercial truck can not turn on to Dickenson. Historic guidelines limit buildings to two stories. So i recommend that the third floor be denied. Also a turning lane be added on hwy 30. There will be cars backing up onto hwy 30 because cars could only navigate the turn onto Dickenson at a maximum of 5 mph.

Please drive this street and see the scrapes on the wall from car accidents. I feel that this application for a three story, 8 unit, 15 bedroom has significant negative impact in the Historic District of Lahaina

Sincerely  
R. Ritchie  
Lahaina

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Mr. Paul Fasi, Planner  
Department of Public Works  
County of Maui  
2200 Main Street, Suite 619  
Wailuku, HI 96793

Dear Mr. Fasi,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided by R. Ritchie, Lahaina, to you regarding the above referenced project. This response is being provided to you since R. Rictchie did not provide a point of contact.

1. Sidewalk will reduce width of two lane street. The applicant and his representatives, including Stacy Otomo, from Otomo Engineering, have been in discussions the Department of Public Works regarding the road frontage requirements for the project in consideration of the existing narrow right of way along Dickenson Street. Portions of the applicant's property will be improved to include the sidewalk while allowing for the maintenance of two 10 ft. wide travel lanes along Dickenson Street. The civil engineering site plan for the project included in the Draft EA represents the plan agreed to by the Department's Engineering Division and includes provision of two 10 ft wide travel lands and sidewalk improvements along the property frontage.
2. Dickenson should be made a two lane street. It is our understanding that the Department of Public Works has requested funding to look at overall traffic circulation in Lahaina Town. If the funding is granted the Department will be studying the idea of making Dickenson a one-way street. This is not something that the applicant can initiate or implement via this project as it will involve a comprehensive look at all of Lahaina Town's street's and may require changes in traffic ordinances to implement.
3. School Parking is problematic. The applicant cannot control the adjacent school's parking lot, however, it is our understanding that it is closed most of the day and it is not used for student drop off or pick up.
4. Historic District Guidelines limit buildings to two stories. The property is not located within the County's Historic District. However, there is a provision in the West Maui Community Plan that recommends that buildings in Lahaina Town be limited to two stories or 35 ft. in height. The Planning Department's policy is to regulate height limitations via actual height verses stories. The building will not exceed 35 ft. in height. Furthermore, when this project was reviewed by the Maui Urban Design Review Board, comments by the Chair and another committee member,

**REPLY TO**  
**EXHIBIT** 25



Dawn Hegger-Nordblom <kekaiplanning@icloud.com>

Tue, Apr 3, 2018 at 2:46 PM

To: alliancehawaii@yahoo.com, rory@roryframpton.com

Dear Mr. Frampton,

Thank you for the opportunity to comment on the Draft Environmental Assessment for the proposed project for 266 Dickenson Street 8-unit Apartment noticed in the Office of Environmental Quality Control Environmental Notice of March 8, 2018.

The Draft Environmental Assessment notes, " the apartment building would consist of seven (7) 2-bedroom apartments and one (1) single-bedroom apartment with two (2) onsite parking spaces per unit. The apartment would consist of three stories with four (4) units on the first floor, three on the second floor and one unit occupying the top story. See Figures 4a and 4b for preliminary site plan and apartment schematic building elevation."

I note that the Site Plan Sheet (Figure 4a/Site Plan Sheet Number A1.0) may want to orient the Draft Environmental Assessment reader to what is located to the north, south, east, and west of the property on the sheet itself- such as Honoapiilani Highway, Outrigger Aiea Nalu Condominiums, private residences, and Sacred Hearts School across the street. In addition, Figure 4a/Site Plan Sheet Number A1.0 contain only the first floor. Is it possible/allowable to show the additional layout designs for the second and third floors? The second floor (Figure 4b) shows four doors when there should be only three.

The document further notes that "the project is anticipated to begin construction approximately 6-9 months after the SMA permit is approved. Construction and completion of improvements is anticipated to take approximately 1 to 1.5 years." I am glad to see the Draft Environmental Assessment mentioned contact with Sacred Hearts School. My concern is regarding the potential for negative impacts regarding noise, dust, appropriate Best Management Practices, and staging areas for the project

**EXHIBIT** 26

materials.

Is there more recent data than Year 2010 regarding the Department of Education statistics for the West Maui Public School system?

I also note some residents homeschool their children and whether the number has been researched and this data can be added to add the Draft Environmental Assessment.

I appreciate the fact the proposed project will increase rental units for the West Side of Maui.

Dawn Hegger-Nordblom  
Ke Kai Planning

# Rory Frampton Consulting Inc.

Land Use and Environmental Planning • Consulting • Project Management

340 Napoko Place  
Kula, Hawaii 96790

cell 808 298 4956

April 19, 2018

Ms. Dawn Hegger-Nordblom  
Ke Kai Planning  
Via email: kekaiplanning@icloud.com

Dear Ms. Hegger-Nordblom,

**RE: Draft Environmental Assessment Comment in support of a Change in Zoning and Special Management Area Use Permit for an 8-unit apartment building at 266 Dickenson Street, Lahaina, Maui Island, TMK Nos. (2) 4-6-011:011 & 028**

This letter is in response to comments provided via email dated April 3, 2018, regarding the Draft Environmental Assessment for the above referenced project. The following are responses to your comments.

1. Project Plans. The project plans have been updated in the Final EA. Additional floor plans have been provided and the elevations have been updated.
2. Negative Construction Impacts. As documented in the Draft EA, the applicant will utilize best management practices to minimize potential impacts related to noise and dust.
3. DOE Data. The DOE data has been updated to reflect 2017-2018 enrollment data for public schools. For your information the reference to 2010 refers to the date the capacity was calculated. We could find no data regarding the number of home schooled children.

Thank you for your comments and noting your appreciation that the project will provide rental units in West Maui. Please feel free to contact me at (808) 298-4956 or via e-mail ([rory@roryframpton.com](mailto:rory@roryframpton.com)) if you have any questions or further comments.

Sincerely,

  
Rory Frampton

cc: Mr. Christopher Ondatje, Applicant

**REPLY TO**  
**EXHIBIT 26**



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

MR. CHRISTOPHER ONDATJE

To obtain a Change of Zoning from D-2 Duplex  
and R-2 Residential to A-2 Apartment and  
Special Management Area Use Permit on 10,  
595 sq. ft. at 266 Dickenson Street, Lahaina,  
Hawaii, TMK: (2) 4-6-011:011 & 028

CIZ 2018//0002, SM1 <sup>2018</sup>~~2016~~/0002

266 Dickenson Street Apartment

(P. Fasi)

MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION  
TO THE MAUI PLANNING COMMISSION

June 26, 2018

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



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of Applications of

MR. CHRISTOPHER ONDATJE

To obtain a Change of Zoning from D-2 Duplex and R-2 Residential to A-2 Apartment and Special Management Area Use Permit on 10, 595 sq. ft. at 266 Dickenson Street, Lahaina, Hawaii, TMK: (2) 4-6-011:011 & 028

CIZ 2018//0002, SM1 2016/0002

266 Dickenson Street Apartment

(P. Fasi)

**CONCLUSIONS OF LAW**

**Change of Zoning (CIZ)**

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

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



**Conclusion:** The Title 19 Change of Zoning approval will change the zoning district from D-2 Duplex and R-2 Residential to A-2 Apartment. The Applicant's proposed action will be consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Chapter 19.510, Section 19.510.040, Change of Zoning, MCC and therefore, the Department supports the Applicants request.

**Special Management Area Use Permit:**

SMA Use Permit is also required pursuant to Chapter 202 of the Special Management Area Rules for the Maui Planning Commission.

**Conclusion:** The proposed use is compliant with the criteria of Chapter 202 HRS, provided that the County Change of Zoning request is approved. The Department supports the Applicants request but recommends deferral on the SMA permit approval until such time the CIZ is obtained.

**RECOMMENDATION**

**Change of Zoning**

The Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the Change of Zoning (CIZ) from D-2 Duplex and R-2 Residential to A-2 Apartment.

**Special Management Area Use Permit:**

SMA Use Permit is also required pursuant to Chapter 202 of the Special Management Area Rules for the Maui Planning Commission.

**Conclusion:** The proposed use is compliant with requirements of Chapter 202, provided that the CIZ approval is obtained and therefore, the Department is recommending *deferral* on the SMA Permit until the CIZ is obtained.

Should the CIZ be obtained, the Planning Department recommends "approval" of the Special Management Area Use Permit with the following conditions:

**STANDARD CONDITIONS:**

1. That, to the satisfaction of the Department of Planning (Department), construction of the proposed project shall be initiated by (3-years from SMA approval date). Initiation of construction shall be determined as construction of onsite and/or offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Evidence of the initiation of construction shall be submitted to the Department prior to the date listed immediately above. Failure to comply by that date will automatically terminate this Special



Management Area (SMA) Use Permit unless a time-extension is requested and should be submitted no later than ninety (90) days prior to said date. A time-extension shall be processed in accordance with the provisions of Section 12-202-17 of the Special Management Area Rules for the Maui Planning Commission (SMA Rules).

2. That, to the satisfaction of the Department, the construction of the project shall be completed within **five (5) years** after the date of its initiation. Evidence of the date of the completion of construction shall be submitted to the Department. Any request for a time-extension should be submitted no later than ninety (90) days prior to the completion deadline. A time-extension should be processed in accordance with the provisions of Section 12-202-17 of the SMA Rules. Failure to complete construction of this project within this time period will require unfinished portions of the project to obtain a new SMA Use Permit.
3. That the Applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by the subject permit and shall obtain, pay for, and keep in force throughout the term of the permit, comprehensive liability insurance issued (1) by an insurance company authorized to do business in the State of Hawaii ("admitted carrier"), or (2) through a general insurance agent or broker licensed in the State of Hawaii, if the company is not authorized to do business in the State of Hawaii ("non-admitted carrier"). The insurance carrier shall be rated no less than "A-" as established by "AM Best" or "Standard & Poor" ratings. The insurance policy, as evidenced by issuance of a policy endorsement, shall name the County, its officers, employees, and agents, as an additional insured. The insurance policy shall contain the following minimum requirements:
  - a. No less than a combined single limit ("CSL") of liability coverage of \$1,000,000;
  - b. No erosion of limit by payment of defense costs;
  - c. Annual aggregate limit of not less than \$1,000,000;
  - d. A duty to defend, indemnify and hold harmless the County, its officers, employees, and agents, against any loss, liability, claims, and demands for injury or damage, including, but not limited to, claims for property damage, personal injury, or wrongful death, arising out of, or in connection with, in whole or in part, the permitted uses, the County's permit review and approval process, or any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights;
  - e. Name the County, its officers, employees, and agents, as additional insureds; and
  - f. Written or endorsed to state that the coverage to the additional insureds is primary and non-contributing with respect to any other insurance available to the County.

The Applicant shall furnish the Department with a copy of the insurance policy certificate and the required endorsements verifying such insurance coverage within ninety (90) days of the issuance of the subject permit. Thereafter, the Applicant shall instruct the insurance company to directly provide the Department with a copy of the insurance policy certificate and required endorsements as it is renewed on an annual basis. The proof of insurance and



all subsequent certifications of insurance coverage shall include the applicable Tax Map Key and permit numbers. If the scheduled expiration date of a current insurance policy is earlier than the expiration of the subject permit, the Applicant shall, upon renewal of the insurance policy, provide the Department with a copy of the renewed insurance policy certificate and required endorsements. The insurance policy shall expressly state that the coverage provided under such policy shall not be canceled or terminated, unless the carrier has first given the Department at least thirty (30) calendar days prior written notice of the intended cancellation or termination.

The insurance policy shall remain in full force and effect until the permitted work has been completed and accepted by the County.

4. That, to the satisfaction of the Commission or the Department, the Applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the SMA Use Permit. Failure to so develop the property may result in the revocation of the permit and/or other enforcement.
5. That the applicant shall submit to the Department two (2) hard copies and one (1) digital copy of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary compliance report shall be reviewed and approved by the Department prior to issuance of the first of a grubbing, grading, foundation, or building permit. Plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase shall be submitted to the Department for review and approval prior to or along with the preliminary compliance report. The preliminary compliance report shall also include evidence that final construction plans are in substantial compliance with the all plans as presented to the Maui Planning Commission on (date of MPC presentation). A final compliance report shall be submitted to the Department for review and approval prior to issuance of a final certificate of occupancy.
6. That, to the satisfaction of the Department, appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's final drainage plan and shall be regularly maintained per manufacturer's specifications or other Best Management Practices, with the contaminant residuals from storm water treatment to be disposed of properly. Records of the inspection, maintenance and disposal shall be kept by the Applicant and made available for inspection by county and state agencies upon request. Plans for the filtration measures and a program and record keeping for inspection, maintenance and disposal of contaminated residuals shall be submitted to the Department prior to or along with the preliminary compliance report.

#### **PROJECT SPECIFIC CONDITIONS:**

7. That full compliance with all applicable governmental requirements shall be rendered.
8. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.



9. That, the roadway frontage improvements shall be built as follows: should the County Council approve the non-standard roadway frontage improvements as specified in the May 24, 2018 letter from the Department of Public Works to Rory Frampton Consulting Inc. (Exhibit 18a).

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department's Report and Recommendation prepared for the June 26, 2018, meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said recommendation to the Maui County Council.

APPROVED:

  
WILLIAM SPENCE  
Planning Director

MAUI COUNTY PLANNING COMMISSION  
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF ITEM E.1., AT 15:32 OF AUDIO RECORDING

Held at the Department of Planning Conference Room,  
Kalana Pakui Building, Wailuku, Maui, Hawaii, on Thursday,  
June 26, 2018.

Transcribed by: Tonya McDade, CSR, RPR, CRC  
808-244-3376  
tonya@csrmaui.com

1 COMMISSION MEMBERS PRESENT:

2 Keaka Robinson, Chair

3 Larry Hudson, Vice-Chair

4 Lawrence Carnicelli

5 Stephen Castro

6 Kahu Alalani Hill

7 P. Denise La Costa

8 Christian Tackett

9 STAFF PRESENT:

10 Will Spence, Director, Department of Planning

11 Tara Furukawa, Department of Planning

12 Carolyn Takayama-Corden, Department of Planning

13 David Galazin, Deputy Corporation Counsel

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(Thursday, June 26, 2018)

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CHAIR ROBINSON: Our agenda now is Item E.1.  
Director.

DIRECTOR SPENCE: Mr. Christopher Ondatje  
requesting a change in zoning from D-2 Duplex and R-2  
Residential District to A-2 Apartment at 266 Dickenson  
Street. We have with us this afternoon Tara Furukawa.  
And she'll run us through this.

MS. FURUKAWA: Good afternoon, Commissioners.  
I'm bringing this project to you on behalf of Staff  
Planner Paul Fasi who was unable to be here today.

This item has come to you for review previously  
for the Draft Environmental Assessment. The trigger was  
that the proposed project area is located within the  
Lahaina National Historic Landmark District. It was  
reviewed and accepted by the MPC on March 27, 2018, in  
anticipation of a finding of no significant impact.

On April 20th, the Department issued a finding  
of no -- no significant impact.

The FONSI was published in the OEQC Bulletin, in  
the May 8th issue. And there are no legal challenges.

Today, we are here before you to obtain a  
recommendation from you to the Maui County Council for the  
change of zoning. The property is currently zoned D-2

1 Duplex and R-2 Residential. And a zoning change is being  
2 sought to change it to A-2 Apartment.

3 On April 3rd, the project was reviewed by the  
4 Maui Urban Design Review Board. And there were no  
5 changes.

6 The consultant for the project is Rory Frampton.  
7 And he'll be discussing the project with you again.

8 And it'll come before you for review again at a  
9 later time for the SMA.

10 CHAIR ROBINSON: Aloha, Rory. Thank you for  
11 your patience and coming back.

12 MR. FRAMPTON: Aloha. Thank you, Commissioners.  
13 And thank you for the opportunity to present this project  
14 before you.

15 I am Rory Frampton, Planning Consultant for the  
16 applicant, Mr. Christopher Ondatje. Also here today, we  
17 have our civil engineer Stacy Otomo as well as the  
18 architect, Jeremy Stoddart from Pili Design --  
19 Architectural Design.

20 So I'll quick -- I'll go through these slides.  
21 I know -- I think there's a member that was not here back  
22 in March, so I'll go through the slides again.

23 Again, this project is at 266 Dickenson Street.  
24 The description, it's an eight-unit apartment building  
25 with one single-bedroom unit and the rest being



1 two-bedroom units. On the first floor, there's four  
2 units; on the second floor, there's three; and on the  
3 third floor, there's one.

4 Each -- each unit will have two parking stalls  
5 with the four that are closest to the street being  
6 grasscrete. So it won't be paved, it will be grasscrete.

7 The building -- one of the main intentions and  
8 objectives for the owners, to have a safe building. So he  
9 wants to do fire sprinklers in the building, perimeter  
10 fencing, building an outdoor parking lighting and  
11 hurricane-safe building construction. And I think some of  
12 our testifiers will touch on these points when they are  
13 comparing this project versus other available units in  
14 Lahaina.

15 And -- and one of the important aspects of this  
16 project, it's just right in the commercial center of  
17 Lahaina. It's in walking distance from the employment hub  
18 within the town.

19 The required permits and approvals. As Tara  
20 mentioned, the -- the project is in the National Historic  
21 District which is the -- basically, the entire town of  
22 Lahaina. Anything in there triggers Chapter 343. We did  
23 go through that process. And as Tara mentioned, the final  
24 EA was published on the OEQC Bulletin on May 8th.

25 As is most of Lahaina town, it's within the

1 Special Management Area. So one of the items before you  
2 today is the SMA permit, but that can't be decided upon  
3 until after we get the change in zoning. So today,  
4 you'll -- we'll ask that you defer on the SMA permit. And  
5 we'll come back to you after we go to Council.

6 So the zoning aspect of it, what's required is  
7 to change the zoning from D-2 Duplex and R-2 Residential  
8 to A-2 Apartment.

9 This last change in zoning request, which is,  
10 again, what we're asking you for, a recommendation to  
11 Council on this change in zoning, it was a surprise to the  
12 owner. I think I mentioned this last time. Well, let  
13 me -- I -- I jumped the gun. There are change in zoning  
14 criteria by law which have to be met in order for you guys  
15 to -- or for the Council to grant the approval. And  
16 that's that it -- that it meets the intent of the General  
17 Plan and the Community Plans. It has to be consistent  
18 with the Community Plan Land Use Map. That's to meet the  
19 intent and purpose of the district being requested.

20 The application would not adversely affect or  
21 interfere with public or private schools, parks,  
22 playgrounds, water systems, sewage, solid waste, drainage,  
23 roadway, transportation, or other public requirements.  
24 That finding has to be made. And that it would not  
25 adversely impact social, cultural, economic, environmental

1 or ecological character or quality of the surrounding  
2 area. And I'll get back to that criteria later, but,  
3 again, that's the change in zoning criteria.

4 The last item has to do with the Ag District.  
5 This doesn't involve the Ag District, so that's not  
6 applicable.

7 I mentioned the change in zoning was --  
8 requirement was kind of a surprise to the applicant. When  
9 he was looking at the property, there was a zoning  
10 confirmation form that said it was A-2 Apartment. Before  
11 he closed on it, during his due diligence, there was a  
12 zoning confirmation form that said A-2 Apartment. So he  
13 thought he was buying -- there's the zoom-in of the  
14 area -- he thought he was buying land that was already  
15 zoned A-2 Apartment. After he purchased the property and  
16 closed a couple months later, he was informed by the  
17 County that it was actually -- it was formerly A-2 Duplex.  
18 This is the map that they were looking at. That's what  
19 they call the Dead Sea Scrolls. These maps are really old  
20 and tattered. And so, apparently, there was an error.  
21 The planner saw the A-2, so they didn't realize it was A-2  
22 Duplex. So that necessitated the applicant coming in  
23 for -- in addition to the SMA, having to do the change in  
24 zoning.

25 It does -- it does line up with the Community .



1 Plan and all the other criteria, but I just wanted to  
2 point that out. The Planning Department, rather than --  
3 well, I should say the applicant, rather than wanting to  
4 fight and grumble with the applicant, met with the  
5 Planning Department. And Planning said, we support the  
6 project, we'll help you process the application as quickly  
7 as we can, we'll try to accommodate him, but he had to go  
8 back and change the zoning in order to move forward with  
9 the SMA.

10 So -- so we are moving forward. Again, the  
11 objective is a safe, convenient, clean and reliable place  
12 to live within Lahaina town.

13 The housing market in Lahaina is fiercely  
14 competitive, with limited and expensive inventory.  
15 Lahaina town serves as a commercial and visitor industry  
16 employment and residential center of the region.

17 And there's a ton of people that commute to West  
18 Maui. And I think there's long been talk about trying to  
19 get more housing on the west side so people don't have to  
20 commute.

21 The timeline, the Draft EA was before this  
22 Commission in March. And there was a 30-day review of  
23 that. You guys reviewed the EA on March 27th, as Tara  
24 mentioned. The UDRB was on the 3rd. The Planning  
25 Director accepted the Final EA and the FONSI.

1           This is where we're at today, the public hearing  
2 on the SMA and the change in zoning. After that, we'll go  
3 to the County Council for the change in zoning and then  
4 back to the Planning Commission for decision-making on the  
5 SMA Permit. After which, he'll process construction  
6 drawings and begin construction, hopefully, six to nine  
7 months after the SMA permit is issued. And we're guessing  
8 approximately a year to year and-a-half for construction.

9           Here's some location maps. As I mentioned, it's  
10 right smack in the middle of Lahaina town. This slide  
11 shows Lahaina town from Puamana to Wahikuli.

12           Here's more of a zoom-in of the town. You can  
13 see Dickenson Street, which runs right down almost to  
14 Lahaina Harbor and comes out at the highway up there.

15           Here's another zoom-in. The project is across  
16 the street from Sacred Hearts School and Maria Lanakila  
17 Church. Aina Nalu Condominium is just behind the  
18 property, it abuts the property's rear yard. And there's  
19 some other residential properties along Dickenson Street.

20           I would add that, prior to doing the EA, we did  
21 pre-consultation. We mailed out notices to everybody  
22 within 500 feet. The owner, also, met with  
23 representatives from Sacred Hearts School and the church.  
24 And they've developed a very good rapport. The owner,  
25 actually, recently had meetings with Aina Nalu

1 Condominium, the vacation owners. And they're working  
2 positively together to not only treat their common  
3 boundary, but looking at ways to improve the intersection  
4 along Wainee and Dickenson. So the owner has been -- has  
5 reached out to his neighbors and they are working  
6 cooperatively.

7 I would note that, so far, I haven't seen any  
8 notices objection -- notices of objection from anybody  
9 within that 500 feet or as a result of the notices that we  
10 sent out. There are a couple emails that I saw that came  
11 in separately, but I didn't see any from the immediate  
12 neighbors, that I'm aware of.

13 So this is looking on Dickenson Street, again  
14 with the school to the north and the other residential  
15 properties proceeding in the ocean direction.

16 Historically, this is a photo from 1949. This  
17 parcel was in sugarcane use. And then this par -- this  
18 photo is from 1960, it shows residential structures on the  
19 property. A longtime West Maui family, the Arcangels,  
20 that was their family -- one of their family properties.

21 It is in the Urban District.

22 This is the Community Plan Map. It kind of  
23 shows a hodgepodge of designations, which is what a small  
24 town usually is. It involves, you know, Hotel designation  
25 right behind, to the south, where Aina Nalu, there's

1 multifamily. So the Community Plan designates this side  
2 of Dickenson Street as multifamily. This is in the  
3 multifamily district. There's a couple other multifamily  
4 areas in the vicinity that were, also, designated over  
5 residential properties with a statement, that I'll get to  
6 later, in the West Maui Community Plan that talks about  
7 building more multifamily units in Lahaina town's core.  
8 So these map designations, including the one where the  
9 subject property, supports that recommendation in the  
10 Community Plan to build more multifamily in Lahaina town  
11 core.

12           This is the Urban Growth Boundary for the Maui  
13 Island Plan. It's within the Urban Growth Boundary.

14           And I mentioned earlier, it's in the Special  
15 Management Area.

16           There's a lot of designations in Lahaina.

17           So this map shows the -- shows two -- two maps,  
18 the National Historic Landmark District, which is  
19 essentially most of Lahaina town from Mala Wharf to  
20 Puamana. And so that's the whole town. And that's what  
21 triggers Chapter 343, this National Historic Landmark  
22 District for the town. There's additional higher  
23 protections in the Lahaina Historic District. And that's  
24 more of a zoning overlay. And the Sacred Hearts School  
25 is, actually, within one of the historic district

1 overlays, as is a lot of the properties up and down Front  
2 Street. But the properties along Dickenson Street, where  
3 this subject property is, it's not in a historic district.  
4 It is within the town's designation, the overall  
5 designation. I just wanted to make that clear.

6           So here's looking south towards Olowalu at the  
7 corner of the property. That's the subject property.  
8 It's just over 10,000 square feet. That's looking back in  
9 the Kaanapali direction towards the school and the  
10 cafeteria entrance. Looking down Dickenson, you can see  
11 the wall really -- is really tight on that side of the  
12 roadway. And there is a couple feet between the property  
13 lines and the pavement on this side, on the applicant's  
14 side of the property. That's, again, looking mauka.

15           And I put this slide in there because, the last  
16 time, there was concern about this intersection. And I  
17 just wanted to show that if you are traveling southbound  
18 towards Olowalu and you see this sidewalk and then the  
19 crosswalk to get to the other side -- and I'll get back to  
20 that when I talk about the roadway improvements -- that  
21 there is clear visibility for people that want to get from  
22 this side of the street to the other side of the street as  
23 long as they're in that crosswalk. And from there, the  
24 applicant will be providing a sidewalk down the south side  
25 of the street.

1           So here's a architectural elevation. You can  
2 see the two units. And then the -- I mean, the two-story  
3 component and then the three-story component with hip  
4 roofs and a lot of residential style elements.

5           When we went before the Urban Design Review  
6 Board, the chair, as well as one of the other members,  
7 actually appreciated the fact that the three-story  
8 component was added and they liked what it did to the  
9 roofing, and it didn't just make for a blank two-story  
10 building without the massing being broken up. So they  
11 actually liked that design.

12           This is the civil plans. I'll zoom in a little  
13 bit here. With the parking in the front, there's drainage  
14 to capture the runoff that sheet flows across the  
15 property. There's no -- there is no runoff entering the  
16 property because it hits -- comes from the highway, hits  
17 the curb, and then it runs down Dickenson Street. And you  
18 can see the contour lines suggest that the water is  
19 running off the property in a -- kind of a northwest  
20 direction.

21           This is the landscaping for the property. There  
22 will be hedges around the property and grass along the  
23 back and the sides as well as shade trees along the  
24 parking -- parking areas.

25           So this is kind of hard to see, but it's the

1 four units on the first floor, two two-bedrooms, one  
2 one-bedroom, three bedrooms on the second floor, and a  
3 third floor with one unit on the top.

4 And, again, the building elevations.

5 And this is a photo simulation where the  
6 architect was actually -- took a rendition of the building  
7 that's to scale and overlaid it on a actual photograph  
8 from the area. So that gives you an idea of what the  
9 scale and massing will look like from Honoapiilani  
10 Highway. And you can see how the -- the roof element  
11 breaks up the massing as well as the balconies provide  
12 more of a -- kind of an architect -- residential scale and  
13 feel.

14 So the final Environmental Assessment, you know,  
15 and of course looked at the impacts on the environment.  
16 There was pre-consultation with agencies and the  
17 community. There was an engineering and drainage report,  
18 traffic impact analysis, cultural impact assessment. We  
19 looked at planning and land use policies and controls,  
20 responded to agency and public comments.

21 And I want to focus a little bit more -- so that  
22 was everything that was in the EA. And I want to jump to  
23 the Maui Island Plan and some of the important parameters  
24 of the plan. And for the housing goal -- and I'll just go  
25 to the objective. The objective is more livable



1 communities that provide for a mix of housing types, land  
2 uses, income levels and age. So it's really -- well, the  
3 overall goal is safe, decent and appropriate affordable  
4 housing for all residents in a way that contributes to  
5 strong neighborhoods and a thriving island community. So,  
6 again, to get there, the objectives are to provide a mix  
7 of housing types.

8 And -- and, again, under policies, the stresses  
9 and the mix of housing types in -- all in compact,  
10 walkable, bikeable areas, accessible to transit.

11 And they certainly wanted to promote planning  
12 approaches that provide a mix of multifamily and  
13 single-family housing units to expand choices. And the  
14 land use policies, ensure higher density, compact urban  
15 communities, infill and redevelopment of underutilized  
16 urban lots within the Urban Growth Boundaries.

17 And, again, that's what this is. This property  
18 has been vacant for over a decade now. And it really is  
19 an infill and a redevelopment of an existing underutilized  
20 property.

21 The West Maui Community Plan, the most recent  
22 version, adopted in 1996, had a objective and policy for  
23 Lahaina town that said concentrate multifamily dwelling  
24 units around the central commercial district in the  
25 following locations, for the south end of Lahaina, along

1 Wainee and generally from Lahainaluna to Shaw. So that's  
2 the area where I showed you the three designations of  
3 multifamily that they put on the map for Lahaina town.  
4 And the middle one is the one that includes this property.

5           So the final Environmental Assessment, the  
6 findings were that it's an infill project supported by  
7 available infrastructure, for traffic mitigation, which  
8 was real important. We -- and this was in consultation  
9 with the Police Department, Public Works Department and  
10 the State Department of Transportation. The accepted  
11 mitigation measure is to restrict left turns into or out  
12 of the property. So by having people only enter the  
13 property from Dickenson proceeding eastbound, you take a  
14 right, and then, to leave, you take a right to get onto  
15 the highway, which is right there, it's very close. With  
16 that restriction and with the improvements that we agreed  
17 to on the roadway frontage, those three agencies, Public  
18 Works, the Police Department and State Department of --  
19 State Department of Transportation feel that the roadway  
20 impacts are mitigated.

21           There's no sensitive or unique historical or  
22 cultural resources. And I -- I would add that's on the  
23 surface right now. Because of the residential use and  
24 sugarcane use of the area, we will be required to go  
25 through archaeological monitoring because there certainly

1 could be some information subsurface, as there is for a  
2 lot of the properties in Lahaina. When they do subsurface  
3 trenching, it's not unusual to find historical artifacts.  
4 So they will be doing monitoring.

5 It's strongly supported by the Community Plan  
6 and the Island Plan policies.

7 And there was a finding of no significant  
8 impact.

9 Again, the change in zoning criteria is that the  
10 proposed request meets the intent of the General Plan and  
11 the objectives and policies of the Community Plans of the  
12 County of Maui. And, yes, that is met. It's urban infill  
13 and there's a mix of housing types, et cetera.

14 Two, the request is consistent with all -- with  
15 the applicable Community Plan Land Use Map of the County.  
16 And that's a yes. The property is designated multifamily.

17 The third criteria is that the request meets the  
18 intent and the purpose of the district being requested.  
19 Again, that's yes. The intent and purpose of the A-2  
20 Apartment District is for long-term residential use.

21 As we discussed last time, short-term transient  
22 use is not permitted outright in the Apartment District.  
23 You'd have to get a change in zoning or some other  
24 approval in order to do short-term rentals.

25 In terms of impacts on infrastructure and public

1 services, I've gone over the -- how we've addressed the  
2 roadway.

3 Oh. And I'm not sure if I mentioned that the  
4 roadway -- you know, there's going to be two 10-foot wide  
5 travel lanes and a six-foot-wide sidewalk. And that's  
6 being accommodated by the applicant actually putting --  
7 about four feet of that six-foot sidewalk is going to be  
8 on that -- on the owner's property, which he'll give up,  
9 it will become part of the right-of-way. So it's not  
10 being squeezed within the existing right-of-way. Some of  
11 the improvements are being done on the private property,  
12 which will then become part of the public right-of-way.

13 But, again, the fourth criteria is that it would  
14 not have adverse affects or interfere with public  
15 facilities. And the -- based on the Final EA as well as  
16 the agency comments, the answer is no adverse affects for  
17 number four.

18 And number five, in terms of impacts on social,  
19 cultural, economic and environment and ecology of the  
20 area, that there is no no adverse impacts. And, again,  
21 based on the Final EA and all the agency comments.

22 And the last criteria is really for the Ag  
23 District. So it's not applicable.

24 So that's -- that sums up my presentation.

25 I know, earlier, there were seven people here to

1 testify in support of the application, including the  
2 Regional Manager of TS Restaurants, who happens to be a  
3 Lahaina Restoration Foundation member. He had to leave  
4 and go back. And there were a number of other people that  
5 had to go back. A couple of them are here today. So  
6 there are some supporters in the audience that would like  
7 to testify.

8 That concludes my presentation. And I am open  
9 for any questions.

10 CHAIR ROBINSON: Thank you.

11 At this time, we would like to open it up for  
12 public testimony. And, again, we do apologize. On our  
13 agendas, we have it down on the list and we are taking in  
14 order. And, you know, sometimes things take longer than  
15 they do. And, hopefully, hopefully, in the future, we can  
16 try to speed it up more for you guys. But if -- Rory, if  
17 you would like to -- if you know the names of the people  
18 that were going to testify, I -- I feel you can feel free  
19 to say that they were here and you can be confident  
20 they're in support. Unless somebody says otherwise, I  
21 don't think it's going to hurt at all.

22 Having said that, we'll go through the list.  
23 And, hopefully, that they're still here. And first on the  
24 list is we had -- we had Representative Baker.

25 Rory, did you get a copy of her testimony that

1 she wrote down? Okay. Good.

2 Fellow Commissioners, did you guys get a copy of  
3 Representative Baker's testimony?

4 COMMISSIONER LA COSTA: Senator.

5 CHAIR ROBINSON: Senator Baker. Is she not a  
6 representative of the people? No?

7 COMMISSIONER LA COSTA: Well, she's Senator  
8 Baker.

9 CHAIR ROBINSON: It just goes by Senator? Okay.  
10 All right.

11 COMMISSIONER HILL: State Senator.

12 CHAIR ROBINSON: State Senator --

13 COMMISSIONER HILL: Yeah.

14 CHAIR ROBINSON: -- Baker, okay. Having said  
15 that, I have Lindsey Miller. Please identify yourself and  
16 you have three minutes.

17 MS. MILLER: Okay. My name is Lindsey Miller.  
18 I have been a Lahaina resident, specifically Lahaina town  
19 ocean side of the highway, for just under a decade. I am  
20 fully in support of this building in that I love that it  
21 is an option for -- because we are limited in our options  
22 of safe housing.

23 I'm the mother of a young family. And I will  
24 tell you, of all the residents that I have lived in, the  
25 four ocean side of the highway, they have had mold, they

1 have been jimmy rigged together. You know, like none of  
2 these units are where you're feeling necessarily safe or  
3 something that you would want to be bringing your family  
4 into or what-have-you. So to have something like this,  
5 something being new, something that -- it would just be a  
6 huge peace of mind. Right?

7 And it's right in the middle of town. I  
8 appreciate that. Being a young family, I've got  
9 three-year-olds, we're all over town. We're walking,  
10 riding bikes and the strollers doing stuff.

11 So I'm in -- just short and sweet, I just think  
12 it's a really great opportunity or an option to have  
13 something safe.

14 There's not a lot of new stuff being built.  
15 There's people down our street making their garages into,  
16 you know, units and stuff. So I'm --

17 Anyway, I'm not articulate, but this is what I  
18 was trying to say, I appreciate that safe option.

19 Thank you.

20 CHAIR ROBINSON: Thank you.

21 Is there any questions from the Commission?

22 MS. MILLER: Okay.

23 CHAIR ROBINSON: Thank you, Ms. Miller.

24 Do we have Mr. Jon Wheeler? Aloha. Please  
25 identify yourself. You have three minutes.



1 MR. WHEELER: Hi. I'm Jonathan Wheeler. I'm in  
2 support of the project.

3 In my opinion, anything new in Lahaina where --  
4 like Lindsey had said, that's not old and beat up. And  
5 you -- the price point in Lahaina for rent is so high and  
6 you're getting nothing, really, for -- bang for your buck  
7 as far as rent. So something new and nice to rent at a  
8 reasonable price in Lahaina is a major benefit. And it's  
9 right in the middle of town, play sports all in town,  
10 baseball, basketball courts right there, volleyball courts  
11 just down the road. Perfect location.

12 Thank you for your time.

13 CHAIR ROBINSON: Anybody have any questions?  
14 Commissioner Tackett.

15 COMMISSIONER TACKETT: What do you consider a  
16 reasonable price in Lahaina town right now for -- for a  
17 two-bedroom and for a one-bedroom?

18 MR. WHEELER: I guess I should reword  
19 reasonable, but like I guess the going rate is a little  
20 over -- seem -- like I pay, for a three-bedroom, over  
21 three thousand dollars, right now, 300. So, yeah. So two  
22 bedroom would be somewhere in the 25, I guess, I'm not  
23 sure. But, yeah, rent is very expensive.

24 COMMISSIONER TACKETT: Thank you.

25 CHAIR ROBINSON: Commissioner Kahu Hill.

1 COMMISSIONER HILL: Just wondering, just looking  
2 at specifics of everything, are you and Lindsey together?  
3 Okay. Mahalo.

4 CHAIR ROBINSON: I just have one question. You  
5 had down, your address, Dickenson Street. Do you  
6 currently live on this street now or -- or is this what  
7 you hope to live at?

8 MR. WHEELER: No. I live in bottom of  
9 Lahainaluna.

10 CHAIR ROBINSON: Okay.

11 UNIDENTIFIED SPEAKER: I forgot that was the  
12 project (inaudible).

13 MR. WHEELER: Yeah, when you said --

14 CHAIR ROBINSON: It's okay. Yeah. Yeah, no  
15 problem. No problem. I just wanted to make sure it's  
16 clarified because -- because we ask address, we want to  
17 know where you're from, too. But it's fine. Thank you,  
18 Mr. Wheeler. Anyone else? Thank you for your testimony.

19 Luke Hoffseth, Hoffseth.

20 UNIDENTIFIED SPEAKER: He had to leave.

21 CHAIR ROBINSON: He had to leave. And would you  
22 like to say if he was for or against?

23 MR. FRAMPTON: He was here to speak in -- thank  
24 you. I did speak with him before, when he had to leave,  
25 and he was here in support of the project. .

1 CHAIR ROBINSON: Thank you, Rory.

2 Do we have Ron Laclergue, also?

3 MR. FRAMPTON: Yes, he was the representative  
4 from TS Restaurants.

5 CHAIR ROBINSON: Okay.

6 MR. FRAMPTON: That employs a lot of young  
7 adults in the Lahaina region. And he was here to support  
8 the project. And as well as from the perspective of not  
9 speaking on behalf of, but having been part -- a  
10 participant and member of the Lahaina Restoration  
11 Foundation.

12 CHAIR ROBINSON: Okay.

13 MR. FRAMPTON: Okay.

14 CHAIR ROBINSON: Thank you. Tim Gilliam.

15 MR. GILLIAM: Aloha.

16 CHAIR ROBINSON: Aloha.

17 MR. GILLIAM: Yeah, I'm for this as well.

18 CHAIR ROBINSON: I apologize. Can you please  
19 identify yourself? And you have three minutes.

20 MR. GILLIAM: Timothy Gilliam. Yeah, I'm -- I'm  
21 a longtime resident in Lahaina. I have been working  
22 (inaudible) next to 505. I'm a big (inaudible) for going  
23 (inaudible), finally got that in the water. A lot of my  
24 crew lives on the other side. We're on pretty -- well, we  
25 keep the canoe in Maalaea, but we are restoring our other,

1 (inaudible). So it's really hard for the crew to come  
2 back and forth. A lot of them are Upcountry, Kihei. A  
3 lot of 'em have tried to move Lahaina, it's just there's  
4 no -- no housing at all. It's mostly single people, too.

5 But really for this to try to get some of my  
6 crew back over here, get -- get -- we take care of the  
7 (inaudible) and the whole park. So it's really hard to  
8 get volunteers as well.

9 And it's just -- I have a boat in Lahaina  
10 Harbor. It's easier to get back and forth on a bike.

11 And I just think this is a great thing as far  
12 as, you know, new -- new -- something new. You can drive  
13 your bike to the harbor, get down to where I work.

14 A lot of my crew has been trying to -- we're on  
15 24-hour call for our community in Maalaea. So it'd be a  
16 great thing to get everybody in one spot because when I --  
17 when I rally the group texts, I get more people that can't  
18 make it due to where they live, Haiku, Paia, Kihei. It's  
19 just they all tried to come and move to Lahaina, there's  
20 just no housing at all. Really, at all.

21 So I think it's a good thing. I'm for it. And  
22 I hope it happens. And I thank you.

23 CHAIR ROBINSON: Thank you. Any questions,  
24 Commissioners? Commissioner Kahu Hill.

25 COMMISSIONER HILL: Mahalo. I just was.

1 wondering, you had mentioned about riding your bike down  
2 there and how you feel about Dickenson. There's not even  
3 enough room to make a bike path and no bike paths to be  
4 able to create that reality from there down to -- to come  
5 down there.

6 MR. GILLIAM: I like the narrow street because  
7 you're supposed to go slow on there. Everybody goes so  
8 fast down Front Street, it's -- it's -- I -- I don't  
9 really see that being a problem. I think more of the  
10 problem is holding onto your bike. You know, I've went  
11 through a dozen bikes. You know, seems like, you know,  
12 however big the chain is, they find a way to get it away  
13 from your bike. The driving A bike isn't a problem, it's  
14 just holding onto the bike.

15 The street's not that narrow. I go up and down  
16 there all the time to the store, early in the morning, get  
17 coffee, (inaudible). I don't really think that's a  
18 problem.

19 CHAIR ROBINSON: Commissioner La Costa.

20 COMMISSIONER LA COSTA: Thank you. Mahalo for  
21 your testimony.

22 So you said you don't think it's a problem and  
23 that people won't go very fast on Dickenson Street. How  
24 many times have you almost been hit by a car who's come  
25 around the corner because they can't make that narrow

1 turn?

2 MR. GILLIAM: I think I've been almost hit by a  
3 car going on Front Street more 'cause they go faster.

4 COMMISSIONER LA COSTA: Okay. But I was asking  
5 about Dickenson Street.

6 MR. GILLIAM: I've never really -- never really  
7 had a problem. Just gotta kinda makaala and just watch  
8 out, you know. I've never had a problem with it, really.

9 COMMISSIONER LA COSTA: Okay. Thank you.

10 MR. GILLIAM: Thank you.

11 CHAIR ROBINSON: Mahalo for your testimony.

12 Okay. Dylan Payne, is he still with us? Thank  
13 you. Aloha. Please identify yourself, you have three  
14 minutes.

15 MR. PAYNE: Good afternoon, Chair and  
16 Commissioners. My name is Dylan Payne. I am a licensed  
17 realtor on Maui and am here speaking in support of the  
18 proposed project.

19 I assisted Mr. Ondatje in acquiring the property  
20 back in 2016. And like Rory mentioned, prior to  
21 purchasing, during our due diligence, we received the  
22 Zoning and Flood Confirmation Form that stated that the  
23 property was zoned A-2 Apartment zoning. After  
24 purchasing, we received another Zoning and Flood  
25 Confirmation Form that stated the same thing. So this.

1 is -- yeah. We didn't expect to be in this situation, but  
2 here we are.

3           Nevertheless, I do believe that this is a  
4 worthwhile project for Lahaina. I grew up in Lahaina,  
5 attended Lahainaluna High School. My brother and sister  
6 went to Sacred Hearts growing up. And my -- my family  
7 owns a business on Dickenson Street. I think that this is  
8 the perfect place for this type of project. It's  
9 desperately needed for Lahaina and West Maui.

10           I am, also, the kind of lead project manager for  
11 Wainee Homes and Land, who we recently purchased all or a  
12 good chunk of the property mauka of Honoapiilani Highway  
13 from the subject property. And in -- in my capacity in  
14 that position, I -- I wholeheartedly support this project  
15 and think it -- it fits. It's in the right place at the  
16 right time and it's the right person doing it.

17           We -- we've been fortunate enough to, through  
18 our company, build a number of affordable homes in the  
19 past year, 40-some-odd homes in Lahaina, at the Kahoma  
20 Homes Affordable Housing Subdivision. And then we're,  
21 also, doing a few projects in Haiku at the time -- at the  
22 current time. That's, also, desperately needed, but we're  
23 building homes to sell.

24           Mr. Ondatje is building a project that will be  
25 dedicated to rental units which I feel is a woefully



1 underserved segment of the marketplace. So I -- again,  
2 everything about it, I think, is -- this -- this project  
3 deserves the full support of this Commission.

4 Thank you.

5 CHAIR ROBINSON: Thank you. Any questions for  
6 the testifier? Thank you for your testimony.

7 Is there anyone else in the audience that would  
8 like to testify on this item? Please step forward.

9 Aloha.

10 MS. CROUSE: Aloha. Good afternoon,  
11 Commissioners, and thank you for your time. I'm Zandra  
12 Souza -- Zandra Souza, hello, that was a long time ago.  
13 Zandra Amaral Crouse. Boy, was that a long time ago.  
14 Sorry, guys.

15 I stand before you as a principal broker and  
16 owner of a real estate firm out of Kihei. And my firm  
17 deals predominantly, if not only, with many hotel workers,  
18 many young men and women who want to buy a home. Many of  
19 them who qualify for Section 8, for rental assistance, but  
20 they cannot -- we cannot find rentals for them.

21 And Lahaina has been the foster child for so  
22 many years. Every project that has -- every developer  
23 that has want -- and I go back to Mr. Spencer, may his  
24 soul rest in peace, who concentrated on affordable  
25 homes -- they were shot down. These affordable developers

1 who develop affordable homes and rentals need to make a  
2 living and we need their homes. Our young men and our  
3 young women need these homes. And we, as a body, need to  
4 look at projects such as this, compliance and need and  
5 community input.

6 I think that I would like to thank the developer  
7 for doing this because we do need rentals. Our young men  
8 and women today, my son is one of them, trucks from  
9 Wailuku to start work at 6:00 at the Hyatt Regency in  
10 Lahaina and then have to come home again, dealing with a  
11 lot of traffic. He's one amongst many of his friends that  
12 I deal with daily and spend months, if not years, with  
13 trying to find a home for them to either rent or live in.

14 I thank you, but I trust, as Commissioners, will  
15 do what's right. And I look forward to a conversation  
16 between you. And I look forward to learning more about  
17 your thoughts. Mahalo. Mahalo loa.

18 CHAIR ROBINSON: Thank you. Any questions?  
19 Thank you.

20 Would anybody else like to testify on this item?  
21 Seeing none, yes, Kahu Hill.

22 COMMISSIONER HILL: Mahalo, Chair.

23 Because Planning -- our planner here had spoken  
24 about two people that had came to testify and told us how  
25 they were going to testify. And, yes, we were given the .

1 paperwork from State Senator Roz Baker, but didn't say how  
2 she was going to vote. Is there a way that that can be  
3 read or that can be shared so we can all hear that as  
4 well?

5 CHAIR ROBINSON: I'll permit you to share that,  
6 if you would like.

7 COMMISSIONER HILL: To read it?

8 CHAIR ROBINSON: Sure.

9 COMMISSIONER HILL: Okay. It says: Aloha,  
10 Commissioners. Due to the agenda time change for this  
11 item, I have been -- I have asked Planning staff Tara  
12 Fukuwara to share my concerns with you. Is she here?  
13 Okay. So I will continue. I oppose granting Item E.1.,  
14 Mr. Christopher Ondatje's requested zoning change at a  
15 small property on a very narrow Dickenson Street across  
16 from Sacred Hearts School, specifically the entrance to  
17 the cafeteria. It is already a bad intersection,  
18 (inaudible). And this proposed change will make the  
19 congestion -- excuse me -- congestion worse. The road  
20 cannot be widened. We need housing on the west side, no  
21 doubt, but this is proposed in the wrong place. No  
22 heavier buses or trucks are allowed to use this road  
23 because it is so narrow. There's no sidewalks or bike  
24 paths on either side, (inaudible) to put them. The  
25 additional traffic will be dangerous for the students.

1 There's already more traffic than the stretch of County  
2 roadway can handle. The (inaudible) side of Dickenson  
3 Street intersection with Wainee at Maria Lanakila Catholic  
4 School is practically in the intersection of those two  
5 streets because there is no space where such a needed stop  
6 sign could normally be sited. (Inaudible) near collisions  
7 as a result, some as I've carefully tried to go north  
8 through this intersection -- that intersection. The  
9 project needs to be built somewhere else, in my view. I  
10 respectfully request that before recommendation to the  
11 Council is made, (inaudible) on Item E.1., the Commission  
12 conduct a full site inspection. And after seeing the  
13 tightness of the road and the potential impacts on the  
14 school and others, please carefully consider if mitigation  
15 measures are possible and feasible. If not, please deny  
16 the petitioner's request. Mahalo for your service and  
17 consideration of these concerns. Best regards, Roz Baker,  
18 State Senator, South and West Maui.

19 CHAIR ROBINSON: Thank you. Commissioners like  
20 to -- did I close public testimony?

21 UNIDENTIFIED SPEAKER: Not officially.

22 CHAIR ROBINSON: Okay. Okay. Public testimony  
23 is now closed after that -- after that testimony.

24 Commissioners, open the floor for questionings  
25 for the applicant.

1           And, again, we're here for a recommendation to  
2 the Council. We are not approving or disapproving  
3 anything at this stage. If it is -- if the Council does  
4 change the zoning, then it will come back to us for a SMA  
5 which could have involve the traffic, the roads and so on  
6 and so forth. The SMA does not include traffic?

7           UNIDENTIFIED SPEAKER: They already have the  
8 FONSI.

9           CHAIR ROBINSON: They already have the FONSI.  
10 Okay. Commissioner Hudson.

11          VICE-CHAIR HUDSON: Thank you, Chair. Rory.

12          MR. FRAMPTON: Yes, Commissioner.

13          VICE-CHAIR HUDSON: How are you today?

14          MR. FRAMPTON: I'm great. How are you?

15          VICE-CHAIR HUDSON: I am well. Could you please  
16 explain to me exactly what was done regarding the traffic  
17 study in obtaining the FONSI, for the record?

18          MR. FRAMPTON: Yeah. So the -- for the traffic  
19 study, the consultant went out to the field and observed  
20 the conditions. He, also, performed calculations based on  
21 the number of trips that would be generated from -- from  
22 the project. The number of trips that were generated  
23 are -- are well below the threshold for triggering a more  
24 in-depth traffic study. But he did, again, observe the  
25 movements during peak hour, morning and afternoon. And he

1 recommended that the left turns from the property be -- be  
2 prohibited as a mitigation measure.

3 CHAIR ROBINSON: Commissioner Hudson.

4 VICE-CHAIR HUDSON: You said earlier that you  
5 met with the Police Department to go over this?

6 MR. FRAMPTON: The Police Department responded  
7 to our pre-consultation letter. And in their  
8 pre-consultation letter, which is in the Environmental  
9 Assessment, he -- the officer who was making the  
10 recommendations commented that he -- he commented that the  
11 left turns should be prohibited into and out of the  
12 project as well. And it's, mainly, because of the  
13 proximity to the highway. So if people are coming off the  
14 highway, you don't want them to be stopping real soon to  
15 try to make a left turn into the project and possibly  
16 backing up cars onto the highway. So the Police  
17 Department recommended prohibiting the left turns in and  
18 out of the project as well.

19 VICE-CHAIR HUDSON: Thank you.

20 MR. FRAMPTON: You're welcome.

21 VICE-CHAIR HUDSON: Thank you, Rory.

22 MR. FRAMPTON: Thank you.

23 CHAIR ROBINSON: Commissioners? Commissioner La  
24 Costa.

25 COMMISSIONER LA COSTA: Thank you, Chair.

1 Thank you for your information, Mr. --

2 UNIDENTIFIED SPEAKER: Frampton.

3 COMMISSIONER LA COSTA: -- Frampton. Sorry.

4 MR. FRAMPTON: It's okay.

5 COMMISSIONER LA COSTA: So I have a couple of  
6 questions. With whom did you meet at Sacred Hearts Church  
7 and School, please?

8 MR. FRAMPTON: Okay. I'll just read from the  
9 EA, our Environmental Assessment. A written invitation to  
10 participate was sent to Sacred Hearts' principal,  
11 Ms. Becky, on -- and on -- that was on August 17th. And  
12 there was a follow-up email. And then -- let me see.  
13 All -- all Maria Lanakila Church staff and school staff  
14 were invited to participate. And the meeting took place  
15 on September 8th, 2017. And about six people attended.  
16 And there was various discussion. There was discussion  
17 about keeping communication open during construction  
18 period so that if there were any sensitive events  
19 happening outside the classroom that it could be  
20 coordinated so the -- you're not doing any real loud noisy  
21 construction activities during any special events that  
22 they might be having outside. Inside the classrooms, they  
23 are air-conditioned. So they should be mitigated from  
24 construction noise. And they -- overall, they said --  
25 they agreed there was a need for this type of housing in



1 Lahaina. They're concerned about pedestrians on Dickenson  
2 Street as well. And there was discussion about trying to  
3 make the south side of the street a little bit more  
4 appealing to pedestrians rather than having people walk on  
5 the north side of the street which is where the wall is  
6 with -- which is where there's really not a lot of room at  
7 all. So -- and that is -- after that meeting is when the  
8 applicant met with Public Works. And Public Works asked  
9 for the property frontage to have a six-foot sidewalk on  
10 it that would continue from the State highway sidewalk and  
11 then go down Dickenson along the front of his property.  
12 So at least getting to the south side of Dickenson, across  
13 the State highway crosswalk and then down his portion of  
14 the street would be a lot safer. And at least that keeps  
15 people on the south side of the street where there's a  
16 little more room than on the north side of the street.

17 COMMISSIONER LA COSTA: Can I ask additional  
18 question, please?

19 CHAIR ROBINSON: You may. And, remember, we're  
20 here for zoning.

21 COMMISSIONER LA COSTA: Correct.

22 CHAIR ROBINSON: So -- so why, I guess, we're  
23 here is because you thought you had zoning and we found  
24 out, after being told twice, that -- that you actually  
25 don't have that zoning. And so we're seeing if we want

1 to -- if we're going to recommend that you should get that  
2 zoning that you thought you had. So -- yeah, the  
3 applicant. And we already -- and we already went through  
4 the FONSI and the parking on the last -- the last meeting.

5 COMMISSIONER LA COSTA: Okay. Would you please  
6 show us the two TMKs that are -- that are wanting to be  
7 consolidated? Because I couldn't find them in -- in what  
8 you gave us.

9 MR. FRAMPTON: Okay.

10 COMMISSIONER LA COSTA: The separate TMKs,  
11 please. And -- and which is zoned what?

12 MR. FRAMPTON: This -- I can see -- excuse me.  
13 I can see this on my figure. And I'm gonna walk up to the  
14 board. It's very hard to see it on the screen. Let me  
15 see if I have a better one.

16 COMMISSIONER LA COSTA: I can see it, but -- but  
17 there are two parcels.

18 MR. FRAMPTON: Correct. So --

19 COMMISSIONER LA COSTA: And --

20 MR. FRAMPTON: So --

21 COMMISSIONER LA COSTA: Yours only shows one.

22 CHAIR ROBINSON: Rory.

23 MR. FRAMPTON: So the main parcel is this square  
24 here. And there's a tiny sliver of a parcel that was a  
25 remnant parcel that was created when they did the -- the

1 highway. So there's a thin sliver between the highway and  
2 this property that the applicant owns that's designated  
3 residential. And the rest of the property is designated  
4 duplex. So it's a -- it's a small remnant parcel and then  
5 a larger parcel. And those are being consolidated into  
6 one parcel. That application is processing as we speak.

7 COMMISSIONER LA COSTA: Okay. Thank you. As I  
8 said, I couldn't see the delineation.

9 MR. FRAMPTON: Yeah. I'm sorry.

10 COMMISSIONER LA COSTA: Thank you.

11 CHAIR ROBINSON: Commissioners, any other  
12 questions? Commissioner Kahu Hill.

13 COMMISSIONER HILL: Mahalo, Chair. And if I get  
14 off topic as we're here for zoning, then just please call  
15 me on it.

16 In Exhibit 26 in the Frampton Consulting --  
17 aloha, Rory -- response to the concern about the school  
18 parking at Sacred Heart and Dickenson. And it stated it's  
19 their understanding that it is closed most of the day and  
20 it's not used for student dropoff or pickup. And I just  
21 wanted to know if any -- you can validate -- anyone can  
22 validate, a kupuna or teacher, that if the students aren't  
23 dropped off and picked up there, where are they dropped  
24 off and picked up?

25 MR. FRAMPTON: That's a very good question.

1 What the school policy is, is for the students to be  
2 picked up in the front off Wainee Street. After the last  
3 meeting, when there was concern expressed about the  
4 congestion in that area, I actually went out and spent --  
5 spent some time just after school. I had to run an errand  
6 at the Maui Jim shop, which is right across from Sacred  
7 Hearts. It almost shares the parking lot. So I went and  
8 just hung out and kind of watched. And it does -- after  
9 school, does get congested. But people are moving slow,  
10 like Tim Gilliam mentioned. There's a four-way stop sign,  
11 people on Dickenson are going very slow. I, actually,  
12 observed the cars stacking up almost to Dickenson -- I  
13 mean almost to Wainee, but, with one or two traffic  
14 cycles, the -- it clears out. And within 15 or 20  
15 minutes, it was back down to a very passive situation. So  
16 I'm sorry that's a long-winded answer to your question,  
17 that the school requires that all the pickups and dropoffs  
18 occur along Wainee. And they have a crossing guard there  
19 as well that helps monitor that situation.

20 COMMISSIONER HILL: Also, I wanted to know,  
21 Kupuna Auntie Patty had mentioned that a child was killed  
22 crossing the street there before, and I just wondered  
23 where are they -- you did look into it and you did mention  
24 that there's been some resolution. But as far as she  
25 recommended that it become a one-way street and where we

1 were with the Department of Public Works on that.

2 MR. FRAMPTON: That's a good question for Public  
3 Works. And I'm gonna throw that way. But just -- Rowena,  
4 the -- what we had heard when we were discussing with your  
5 staff these requirements was that your staff was  
6 interested in looking at a comprehensive study for traffic  
7 flows in Lahaina and that you had a budget request into  
8 the County Council. And maybe you can pick up from there  
9 what happened with the budget request or what the status  
10 is.

11 MS. DAGDAG-ANDAYA: Yeah, that's correct. We  
12 have a Lahaina --

13 CHAIR ROBINSON: Rowena --

14 MS. DAGDAG-ANDAYA: -- study -- I'm sorry.

15 CHAIR ROBINSON: -- I apologize. Introduce,  
16 please.

17 MS. DAGDAG-ANDAYA: Sure. Rowena Dagdag-Andaya  
18 from the Department of Public Works. So our staff has --  
19 they sought out a consultant to conduct a Lahaina town  
20 circulation study. So that study will -- it encompasses  
21 the entire historic district, which includes Dickenson  
22 Street, more in the lower portion around Front Street and  
23 all those -- the Wainee, Luakini and all in that area. So  
24 we have a consultant on board and are working out the  
25 details of the scope of the -- the study. And so we



1 haven't completed it yet, but that study will help us get  
2 a better understanding of traffic pattern, circulation,  
3 and hoping to get any recommendations for any future  
4 one-way streets in the area. But at this time we don't  
5 have any plans to create a one-way street in Dickenson.  
6 That would have to be dependent on what the results of the  
7 study is.

8 COMMISSIONER HILL: And the last thing is just  
9 wondering if -- for our Commission, if we should have an  
10 on-site, for a couple people to go out and look at this  
11 between the peak hours. Like in one of the emails that we  
12 got, someone was mentioning about those peak hours in the  
13 morning and late afternoon and Dickenson and the highway.  
14 If we should go out and look at doing a site inspection of  
15 our own.

16 CHAIR ROBINSON: That is something that we can  
17 discuss.

18 COMMISSIONER HILL: Okay.

19 CHAIR ROBINSON: Commissioner La Costa.

20 COMMISSIONER LA COSTA: Thank you, Chair. And  
21 as Kahu Hill said, if I am not on point where I should be,  
22 please bring me back to the corral because I'm -- I'm not  
23 sure still yet what -- what goes and what doesn't.

24 I have a concern when you talked -- when I asked  
25 you about with whom you spoke at Sacred Hearts. That

1 happens to be my parish. And I'm there every Saturday  
2 night for mass. And when I asked Father Joseph about it,  
3 who is our pastor, he said that he didn't get  
4 notification. So the fact that the letter went to the  
5 principal, who really doesn't run the church and is not  
6 responsible for Sacred Hearts Church or school, I think,  
7 was misdirected. Father Joseph has -- this is hearsay, if  
8 you will, but when I spoke with him on Saturday night, I  
9 said, did you send in testimony about the duplex. And he  
10 said -- I mean the apartment. And he said, I don't know  
11 anything about it. So I sent him some information and  
12 asked him to please email his perspective. His  
13 perspective is we have mass every morning, there will be  
14 construction, we have school five days a week, there will  
15 be construction, there will be equipment coming in and  
16 out, there will be cars and trucks and workers coming in  
17 and out. That street is so narrow that the guardrail has  
18 been hit umpteen times. I was in back of a car that  
19 missed the curb and hit it. There are people who walk  
20 down that road on the right-hand side, should be on the  
21 left, but the right-hand is a little friendlier, to church  
22 Saturday night. Our choir master almost got hit with  
23 someone coming around the corner because you can't see it.  
24 So I have some real concerns that -- that maybe not all  
25 the input was sent to the right people who should be

1     answering these questions. And I have a grave concern  
2     about rezoning this property when there are so many  
3     critical issues that need to be addressed with the church  
4     and the school right there in that very narrow road.

5             CHAIR ROBINSON: Rory, you don't have to address  
6     that, but if you -- if you want to attack it, you can.

7             MR. FRAMPTON: I don't know if I want to attack  
8     it.

9             CHAIR ROBINSON: Okay.

10            MR. FRAMPTON: But --

11            CHAIR ROBINSON: (Inaudible), then. I'm sorry.  
12     I didn't mean it that way. If you want -- if you want --  
13     if you want to respond, it's up to you.

14            MR. FRAMPTON: Yeah. You know, the applicant as  
15     well, he's -- his children went to Sacred Hearts and he's  
16     participated and helped at the church for over 20 years  
17     with the bazaar. And, you know, in terms of inviting  
18     the -- the people from the parish, I -- I will --

19            COMMISSIONER LA COSTA: Pastor.

20            MR. FRAMPTON: Yeah, pastor. So I had an  
21     assistant, an environmental consultant, helping me who,  
22     also, went to Sacred Hearts. And she was the one that  
23     coordinated the input. And I was reading her writeup that  
24     said that all Sacred Hearts School and the Catholic Church  
25     staff, Maria Lanakila Catholic Church staff were invited

1 to participate. That's all I can say. This was back in  
2 September or August of last year. So I know they were  
3 invited, but I think, you know, more importantly, are the  
4 concerns about the narrow streets. And that was the first  
5 concern that I had as a consultant to the client. And I  
6 said, you know, one of the first things we gotta go do is  
7 see if we can work this out with Public Works to where we  
8 can get roadway standards that meet with their safety  
9 requirements. And that's what's been worked out. So  
10 the -- the two 10-foot travel ways as well as the  
11 additional striping and then the sidewalk on their portion  
12 of the street is what Public Works can support in terms of  
13 meeting their minimal requirements. And that does -- it's  
14 certainly a better situation than -- in my opinion, it's  
15 certainly a better situation having a improved sidewalk at  
16 that south side of that intersection, at least coming down  
17 for a portion of the ways past the entrance to the  
18 cafeteria, and at least get people on that side of the  
19 street. I think that's better, again, in my opinion, than  
20 what's there now and just leaving it like it is now.  
21 Which there's not a lot of room, it's not improved, it's  
22 very narrow for people to walk on. So --

23 COMMISSIONER LA COSTA: Just one -- one more.

24 MR. FRAMPTON: Sure.

25 COMMISSIONER LA COSTA: Thank you. So when

1 you're describing the sidewalk, you said that you have the  
2 signals, you have a crosswalk and then you have a  
3 sidewalk. The current crosswalk is on the north side.  
4 You would have to cross the north, then go across  
5 Dickenson Street where there is no crosswalk and then go  
6 down the sidewalk. And then at what point does it end and  
7 people would be forced back into that lane?

8 MR. FRAMPTON: So if I can understand you  
9 correctly, the -- and I have a slide of it, but the -- on  
10 the north side of the Dickenson/highway intersection,  
11 there's this crosswalk that crosses -- that I had a slide  
12 up there earlier and I showed how you could -- you could  
13 see -- if you're coming from Kaanapali, you can see where  
14 that crosswalk crosses over Dickenson. And that's on the  
15 side of the street where the applicant is. And then he'll  
16 be transitioning, from that sidewalk, he'll make a  
17 corner -- he'll make a turn and it will go down his  
18 property, along his entire frontage. And that's -- and  
19 that's -- it will stop at his frontage. Do you want me to  
20 show it on a slide?

21 COMMISSIONER LA COSTA: Yeah. Would you,  
22 please? Because -- because it's my recollection that it  
23 is on the opposite side, on the Sacred Hearts side, of the  
24 street. So people would still have to cross (inaudible).

25 MR. FRAMPTON: I think -- so this is looking

1 north towards Kaanapali.

2 COMMISSIONER LA COSTA: Uh-huh.

3 MR. FRAMPTON: And you can see -- if you're  
4 talking about the intersection that goes across the  
5 highway, it's there up on the right-hand corner.

6 COMMISSIONER LA COSTA: Correct.

7 MR. FRAMPTON: And they would come across that  
8 intersection, then reach the street, and then come towards  
9 the camera.

10 COMMISSIONER LA COSTA: Correct.

11 MR. FRAMPTON: And then -- then now you're  
12 looking down Dickenson. And that's where the sidewalk  
13 would go down Dickenson, along this chain link fence.

14 COMMISSIONER LA COSTA: But you're still going  
15 to have two different opportunities for pedestrians to  
16 have issues. And that's -- that's my concern because it  
17 is so narrow there.

18 MR. FRAMPTON: So -- and those two instances  
19 are?

20 COMMISSIONER LA COSTA: Well, one crossing the  
21 highway and then -- and then coming across the top of  
22 Dickenson Street to get to the sidewalk of the proposed  
23 development.

24 MR. FRAMPTON: Okay. So that you're talking  
25 about this sidewalk that we're looking at right there,



1 coming across that way, so towards the camera?

2 CHAIR ROBINSON: Please.

3 COMMISSIONER LA COSTA: Thank you.

4 MR. FRAMPTON: Yeah.

5 CHAIR ROBINSON: You can't talk at this point  
6 and then come back.

7 UNIDENTIFIED SPEAKER: Okay.

8 CHAIR ROBINSON: There you go. You got a  
9 pointer.

10 MR. FRAMPTON: Okay. So if I might repeat for  
11 the record that you are pointing at -- you're saying that  
12 the sidewalk across the highway you're concerned about?

13 COMMISSIONER LA COSTA: This, this and this,  
14 rather than having it straight on.

15 MR. FRAMPTON: Well, to -- to be able to -- the  
16 corner of Dickenson and the highway on the north side,  
17 where -- which is where the church is, there's very little  
18 room for any pedestrian movement over there. To encourage  
19 people to go down that side of the street would be  
20 horrific, in my mind. And so we want them to cross the  
21 street and at least go down this street. And as -- that  
22 crossing, this is the -- this is coming from Kaanapali  
23 looking at the sidewalk, going south. And there's, also,  
24 the intersection that you've talked about that gets you  
25 over to that side of the street. At least from this angle

1 and, you know, along the highway, there is visibility from  
2 people looking at people crossing the street. So that  
3 crosswalk appears at least to have adequate visibility.  
4 Then it's just going down Dickenson Street.

5 COMMISSIONER LA COSTA: Okay. As a 26-year  
6 resident of west side, I have seen far too many almost  
7 accidents there with people and cars. And I don't want to  
8 see anyone else be killed because of the lack of depth of  
9 that road.

10 CHAIR ROBINSON: So I --

11 COMMISSIONER LA COSTA: And I don't know how you  
12 can change it with this project.

13 CHAIR ROBINSON: Rory --

14 MR. FRAMPTON: Yes.

15 CHAIR ROBINSON: -- the question is -- okay. So  
16 I just want to reconfirm. Is two feet is going to be on  
17 top of that little -- the little swale you have there and  
18 then four feet is going to be inside the -- the chain-link  
19 fence of the sidewalk, is that correct? We're not going  
20 six feet into the street, we're using that swale's 24  
21 inches and then we're extending it four more feet into the  
22 property?

23 MR. FRAMPTON: Correct. There's going to be two  
24 10-foot-wide travel lanes. There's a little room on  
25 either side of the travel lanes. And then on -- on the

1 applicant's side of the property, there will be the  
2 six-foot-wide sidewalk.

3 CHAIR ROBINSON: Okay. So we're here for  
4 zoning. What is it currently zoned at and -- and what  
5 could this property turn into besides a housing project?

6 MR. FRAMPTON: It could be a single-family house  
7 or a duplex.

8 CHAIR ROBINSON: Okay. Thank you.

9 Commissioners, and if we could stay on the -- I  
10 kind of let it go by because I know everybody has  
11 questions. If you could continue on the -- on a zoning  
12 question. Because, again, we're only recommending, we're  
13 not -- we're not -- there's no approves here. We're gonna  
14 recommend and the Council is going to have it and  
15 everybody is gonna have their -- their day there as well.  
16 So if not, we can -- we still have time -- everybody can  
17 still put their comment in on the recommendation as well.  
18 But as far as going further, if it's not with -- it's not  
19 about the zoning, I do want to kind of start moving along.

20 Commissioners, do you have any other questions  
21 for Rory concerning the zoning? Commission Tackett.

22 COMMISSIONER TACKETT: So my question is the --  
23 it seems like the reason we're -- everyone is interested  
24 in the zoning and why it's so palatable is because of the  
25 housing problem and -- and how you guys are gonna be able

1 to create affordable housing with this particular project.  
2 And it seems to me that -- that the reason why there is no  
3 affordable housing in Lahaina is because of how popular  
4 Lahaina is. So I was wondering, is -- is there any sort  
5 of plan as to -- I mean, because everybody, obviously,  
6 wants one, but nobody knows how much it's going to cost  
7 and -- and nobody knows if -- if it will stay at that cost  
8 to go forward into the future. But no matter what, if the  
9 thing is built, people will rent it and people rent at any  
10 cost because it's the nicest stuff around, you know. So I  
11 was just wondering if all this zoning goes through and it  
12 does get built, is there any plan going forward that --  
13 that protects these rentals we're trying to -- to help  
14 people stay in that are affordable to stay affordable, or  
15 is it something that -- that if somebody ever changes  
16 their mind, it will go to whatever rate, which is how I  
17 understand that -- that Lahaina will support. And Lahaina  
18 will always support a higher rate than -- than anywhere  
19 else, right?

20 MR. FRAMPTON: And so the applicant's intent is  
21 to keep these as rental projects for as long as he's  
22 alive. That's his retirement plan. He -- he wants to  
23 provide units that are -- and you -- you remember last  
24 time how passionately he spoke about trying to provide  
25 places, safe places for the kids of Lahaina to reside..

1 So, you know, it's under -- it's totally privately funded.  
2 So there's no governmental requirements. It's not like  
3 Front Street apartments that had government funding and  
4 strings attached to it for a certain period of time for  
5 like -- it's completely private funded, it's under 10  
6 units. So you're right, there are no County ordinances  
7 that require that it be kept at a certain rate for -- for  
8 times, but it is more rental units, it's a mix of housing  
9 types, it's what all the plans and policies have called  
10 out for, including the Community Plan of Lahaina, which  
11 is -- I believe this policy has been in place since the  
12 mid-eighties, so -- to have these residential properties  
13 be converted to multifamily units. So --

14 COMMISSIONER TACKETT: But there is nothing that  
15 makes it affordable and there are -- there's nothing  
16 guaranteed to -- to anybody to say that it will be  
17 affordable. It's just a mixed use product that's gonna go  
18 on to the market and -- and it's his word that it will be  
19 affordable --

20 MR. FRAMPTON: That's --

21 COMMISSIONER TACKETT: -- as he deems fit?

22 MR. FRAMPTON: That's correct.

23 COMMISSIONER TACKETT: Thank you.

24 CHAIR ROBINSON: And I think, you know, with any  
25 real estate, inventory helps pricing.

1           And having that said, do we have any motions on  
2 the floor? Commissioner Carnicelli.

3           COMMISSIONER CARNICELLI: I would like to  
4 recommend approval to the Maui County Council for the  
5 change in zoning from D-2 Duplex and R-2 Residential to  
6 A-2 Apartment.

7           CHAIR ROBINSON: Commissioner Hudson.

8           VICE-CHAIR HUDSON: Second.

9           CHAIR ROBINSON: We have a motion and a second  
10 for approval. Discussion on the recommendation.  
11 Commissioner La Costa.

12           COMMISSIONER LA COSTA: I fully appreciate being  
13 a real estate broker and company owner for many, many,  
14 many years. This project -- and we desperately need  
15 housing in West Maui that is affordable and will remain  
16 affordable, but I -- I am so torn because that is not the  
17 proper place for that amount of traffic and it's not the  
18 proper place for the -- for the building. So I -- I am  
19 not in favor of this.

20           CHAIR ROBINSON: Thank you. Commissioner  
21 Castro.

22           COMMISSIONER CASTRO: I totally agree with my  
23 fellow Commissioner here. And for safety reasons, I have  
24 -- I am not in favor.

25           CHAIR ROBINSON: Okay. Commissioner Kahu Hill.



1           COMMISSIONER HILL: I totally support affordable  
2 housing in that area. When (inaudible) I drove a year  
3 and-a-half five days a week to Pioneer Inn on Front  
4 Street. However, I am very concerned of the public  
5 safety. The children's safety is paramount. I thought  
6 that in asking the questions March 27th that we were going  
7 to get an update on them talking to Sacred Heart. And  
8 just to hear that they were actually -- the priest knows  
9 nothing about this and that we haven't done a site  
10 inspection, there's just -- I don't feel it's the right  
11 place for it. I don't feel it's a safe place, if you  
12 don't want more child could be hurt or killed, or someone  
13 else.

14           CHAIR ROBINSON: Thank you. Commissioner  
15 Hudson.

16           VICE-CHAIR HUDSON: To speak to the motion, all  
17 roads are inherently dangerous. We put cars and  
18 pedestrians, you're gonna have danger, no matter where it  
19 is. I think the applicant tried to mitigate the dangers  
20 as much as possible, the proposals for the sidewalk for  
21 change in the direction of traffic. I think this is --  
22 these improvements just by themselves would improve the  
23 condition of the road right now. I, also, like the idea  
24 that the applicant took it upon himself -- I don't know if  
25 he did or not, whatever, the end result was that he worked

1 with Department of Public Works. And Department of Public  
2 Works knows what they're doing. I can see that this road,  
3 if the improvements are allowed to occur, will probably be  
4 safer than what they are now, because making a right-hand  
5 turn into that road right now is kind of dangerous.

6 Thank you.

7 CHAIR ROBINSON: Thank you. Commissioner  
8 Carnicelli.

9 COMMISSIONER CARNICELLI: Thank you, Chair.

10 It's in the General Plan. It's in the Community  
11 Plan. The intent is consistent with that. I've,  
12 actually, been a renter in Lahaina, so over and above just  
13 that. As Commissioner Hudson said, there's inherent  
14 danger in everything. I believe the applicant has done  
15 everything to make it safer. He can't control anything  
16 across the highway. He can't control anything that's not  
17 in front of his particular property. We talked about  
18 this, you know, when the EA came. It would be wonderful  
19 to have a sidewalk all the way from the highway to Wainee.  
20 We can't force him to do that. That's somebody else's  
21 property. That's -- you know, that's Public Works. We  
22 would love to have it a one-way street. That's Public  
23 Works. So by coming to us and doing what he's doing,  
24 he's, actually, making it safer. If he built a duplex  
25 tomorrow, none of that would happen. We wouldn't get a

1 sidewalk, we wouldn't get anything mitigating; we would  
2 just get a duplex. That's it. And in -- and none of us  
3 would have any say about it. So that's why, to me, this  
4 is, actually, going to make this area safer. Is there  
5 going to be more traffic? Yes. Did we talk about  
6 traffic, did we talk about the parking? Yes. Is there  
7 concerns? Yes. However, there's always going to be  
8 impacts. I feel as though this is going to be a benefit  
9 to the community. And this is just the zoning. This is  
10 just zoning. And so I'm in favor of the motion.

11 Thank you, Chair.

12 CHAIR ROBINSON: Thank you.

13 MR. GALAZIN: Chair?

14 CHAIR ROBINSON: Corporation Counsel.

15 MR. GALAZIN: Thank you. And, Commissioner  
16 Carnicelli, I appreciate you pointing out your reasons for  
17 wanting to make the motion and -- and approve it and  
18 pointing out the fact that it meets the intent of the  
19 General Plan, Community Plan, it's consistent. And I  
20 would point all the Commissioners, you know, in your  
21 packet, you've got the green sheet which has your proposed  
22 conclusions of law in it. And in there, for the change of  
23 zoning, there's six criteria. The sixth one is not  
24 applicable, so there's five criteria to which you're going  
25 to judge it. And as I sort of tried to engage in my

1 little colloquy this morning, what you want to look at are  
2 these five specific criteria. These are the -- this is  
3 the standards of law to which you're going to look at.  
4 And if you are not going to vote in favor of recommending  
5 approval of the change in zoning, what you need to do is  
6 point to the applicable point of law and what evidence has  
7 been introduced, the facts, to support your objection. If  
8 you -- it's certainly up to you, what you've heard today,  
9 the information that's been provided, both by planning  
10 staff, members of the public, testimony, written testimony  
11 you received, as well as the presentation by the  
12 applicant's representative. However, I do want to make  
13 clear that, you know, anybody -- if the recommendation is  
14 to deny or if you are voting not in favor of what the  
15 recommendation is, that you can put this on the record  
16 that you're pointing out what it is that you find  
17 objectionable and the law and the facts that support  
18 whatever conclusion you make.

19 Thank you.

20 DIRECTOR SPENCE: Mr. Chairman?

21 CHAIR ROBINSON: Director.

22 DIRECTOR SPENCE: Okay.

23 CHAIR ROBINSON: This is the last day I'll let  
24 you do this.

25 DIRECTOR SPENCE: I know.. It's my last day and

1 my last 20 minutes.

2           There's going to be two actions by the  
3 Commission. First is a recommendation to the County  
4 Council on the zoning. That just enables the property --  
5 if granted by the Council, that would enable an apartment  
6 use on that property. The SMA is a different matter. And  
7 you -- if -- whatever you recommend today, the SMA would  
8 probably come back to you. That's the -- the -- probably  
9 the -- the better place to try to mitigate impacts,  
10 project specific impacts. You have quite a bit of zoned  
11 property throughout South Maui, around West Maui, zoned  
12 without any conditions on it, it's just there waiting for  
13 some kind of proposal. The SMA permit that comes before  
14 this Commission, that's where you add all your mitigating  
15 factors, if it's a concern with drainage or traffic or  
16 archaeology or something like that.

17           So I will just reiterate the Planning Department  
18 supports the change in zoning. There will be plenty of  
19 opportunity for site visits and other things for the  
20 Special Management Area Permit.

21           CHAIR ROBINSON: Commissioners, I think -- let's  
22 go with what we agree on. All right? We agree that  
23 housing is needed in Lahaina. Can we agree on that?

24           COMMISSIONER HILL: Yes.

25           COMMISSIONER LA COSTA: Yes.

1 CHAIR ROBINSON: Can we agree that this road is  
2 not a safe road --

3 COMMISSIONER LA COSTA: Yes.

4 CHAIR ROBINSON: -- as compared to other roads?  
5 Okay. So what does the applicant control? He can control  
6 adding housing to Lahaina. Public Works can control  
7 studies to see if there's -- if there's BMPs on traffic  
8 flow, on speeds, on speed bumps, medians, you know,  
9 different -- different things. You know, they do the  
10 painting now with the jagged for visual and -- but I  
11 understand. So it's -- and I think that's what we're here  
12 for today. And for the zoning, I think that's what we  
13 want to be careful with. I want you to give me a  
14 recommendation and -- you know. And it's going to go up  
15 to the Council. And the Council is gonna hear all the  
16 safety issues.

17 I -- I don't think that that street is -- is  
18 safer today than it will be after the sidewalk is built.  
19 And that's my feelings. I felt -- I felt sidewalks slow  
20 people down, they don't speed 'em up. I -- I think  
21 sidewalks direct people where to walk instead of just  
22 walking down the middle of the street. But, then again,  
23 that's my opinion. There are traffic experts, there are  
24 TIARs. I'm sure the Public Works is having a study  
25 ongoing now on what the traffic flow is from just last

1 month when we had the bypass open, you know. I have  
2 vehicles that travel that a dozen times a day for our  
3 business. And we've seen improvement and we've seen  
4 lighter traffic. I don't know if that slows down people  
5 to try to make the lane fast because they're trying to cut  
6 in. You know, I'm -- I don't -- I'm not in Lahaina as  
7 often as you guys are.

8 But I want us, our Commission, to, hopefully,  
9 stay on course. And as individuals outside of this, we  
10 can, of course, you know, have other avenues, you know, to  
11 go -- to go forward with this. But, you know, it's a  
12 recommendation. And, of course, we can recommend either  
13 way or we can recommend -- we can recommend something  
14 with -- you know, with -- with conditions on the side  
15 or -- or other things that we would like them to -- to  
16 look at, you know, as other mitigating factors.

17 Public Works, would you like to chime? I see  
18 you waving your hand there. Yes.

19 MS. DAGDAG-ANDAYA: Yes, Chair, if I can say  
20 something. You know, as for Public Works' participation  
21 in these meetings, we just stick to what we recommend the  
22 applicant do based on our codes. We are neither for or  
23 against a project. We maintain a very neutral position.  
24 With -- with this street and the surrounding neighborhood  
25 or surrounding area, you have a State highway that



1 connects up to a County roadway. So -- and you, also,  
2 have Police Department. So when -- when you think about  
3 creating a safe street, you need three Es, education,  
4 enforcement and engineering. You know, this project  
5 solely cannot rely on engineering or engineering a street  
6 to make it safer. You need to have the educational  
7 components, making sure that the drivers in -- on Maui are  
8 educated about how to drive. And then you need the  
9 enforcement part as well.

10 For Public Works, we recommended that the  
11 applicant maintain 10-foot travel lanes because that's,  
12 actually, a recommendation from the National Association  
13 of City Transportation Officials. Making streets wider  
14 sometimes create a more -- a situation that's a little bit  
15 unsafer, but narrower roadways actually tend to slow  
16 traffic down. That's based on studies that have been done  
17 by that national organization, which is why we recommended  
18 those 10-foot lanes to slow down the traffic because you  
19 have residential, you have school and you have businesses  
20 in the area. We, also, recommended that they put in a  
21 sidewalk. And it won't encroach upon the existing  
22 right-of-way, but they would have to dedicate some of  
23 their property in order to build that sidewalk.

24 And as other Commissioners have mentioned, based  
25 on -- you know, if you were just to remain or keep the

1 property in that A-2 Duplex or single-family residential,  
2 when they come in for building permits, they're not going  
3 to be required to do those improvements, like a sidewalk,  
4 or make improvements to the right-of-way. Those kinds of  
5 actions are exempt for single-family. So those are things  
6 that, you know, you need to take into consideration.

7 But, again, it's not -- don't solely rely on  
8 engineering to make a roadway safer. You need different  
9 components which involves enforcement from MPD, educating  
10 the people or the drivers on how to drive better, and --  
11 and, also, engineering.

12 CHAIR ROBINSON: Commissioner La Costa.

13 COMMISSIONER LA COSTA: Thank you, Chair.

14 What is the current width of the street?

15 MS. DAGDAG-ANDAYA: I think the current width,  
16 according to what I mapped out, you're looking at about  
17 maybe -- I want to say about 20, maybe 23 feet, at the  
18 most, or 24. Yeah.

19 COMMISSIONER LA COSTA: Okay. So you're  
20 reducing the size of the road by four feet, the width of  
21 the road?

22 MS. DAGDAG-ANDAYA: I'm not sure. Maybe --  
23 yeah, I'm not -- I don't know. But maybe Rory Frampton --

24 CHAIR ROBINSON: And, again, we're talking about  
25 the road again, not about the zoning. But -- but it's --

1 you know, it's -- it's -- Rory, you know the exact  
2 distance of the other roadway?

3 MR. FRAMPTON: As I recall, the right-of-way was  
4 approximately 24 feet, which included the two travel lanes  
5 of 10 feet plus two feet on either side. So that's about  
6 the 24, 25 feet that will be maintained with the -- and  
7 then there will be a sidewalk, a six-foot sidewalk. So  
8 that six-foot sidewalk will -- it will be the two 10-foot  
9 travel lanes plus the two feet of sidewalk in the public  
10 corridor and four -- roughly four feet on the private  
11 side.

12 COMMISSIONER LA COSTA: Okay. Thank you.

13 CHAIR ROBINSON: Thank you.

14 Before I call to a vote, is -- we -- we do have  
15 a recommendation, we do have a motion. Would anybody like  
16 to -- to see if they would like to add to the  
17 recommendation or does that go straight to the vote?  
18 Okay.

19 Having seen none, all those in favor of  
20 recommendation as recommended by the Planning Department,  
21 please raise your right hand.

22 DIRECTOR SPENCE: Two ayes.

23 CHAIR ROBINSON: All those -- all those not in  
24 favor of the recommendation, please raise your right hand.

25 DIRECTOR SPENCE: So that's four.

1 CHAIR ROBINSON: Okay. I'm, actually, in favor  
2 of it. So -- so let's -- let's -- would someone like to  
3 make another motion, of the four? Yes, Kahu Hill.

4 COMMISSIONER HILL: I ask for your patience. I  
5 don't know if it's the right motion. I would like to make  
6 a motion that we would have representatives from our  
7 Commission to go and make -- to site monitor, to look at  
8 that, and, also -- site visit and to, also, actually hear  
9 from the school. Because I think there is a connection  
10 between the crosswalks and the school and the church,  
11 Lanakila, that they would actually be able to chime in on  
12 this and get their -- so we could hear what they would  
13 have to say and how they could work with them and for the  
14 safety of the children and --

15 CHAIR ROBINSON: I'll let you speak to the  
16 motion, but just your motion is --

17 COMMISSIONER HILL: Oh.

18 CHAIR ROBINSON: -- for a site visit, yeah.

19 COMMISSIONER HILL: For a site visit and to --  
20 that the -- the church would actually be notified, those  
21 in charge. Is that something I can make a motion?

22 CHAIR ROBINSON: We have a motion for a site  
23 visit. Do we have a second?

24 COMMISSIONER LA COSTA: Second.

25 CHAIR ROBINSON: We have a second from

1 Commissioner La Costa. Discussion on the site visit.

2 Commissioner Carnicelli.

3 COMMISSIONER CARNICELLI: Thank you, Chair.

4 What I would like to know is, in the five  
5 criteria for a change in zoning, what is a site visit  
6 going to -- what is it that you want to accomplish in a  
7 site visit? That's -- that's, I guess, my question,  
8 before I vote, you know, yea or nay on this, I want to  
9 know what it is that you're going to try to accomplish  
10 within the five criteria that we're supposed to weigh this  
11 on.

12 CHAIR ROBINSON: Commissioner La Costa.

13 COMMISSIONER LA COSTA: Thank you, Chair.

14 My concern and the confirmation has to do with  
15 the change in zoning, Number 4, the application, if  
16 granted, would not adversely affect or interfere with  
17 public or private schools, parks, playgrounds, water  
18 systems, sewage, solid waste disposal, drainage, roadway  
19 and transportation systems or other public requirements,  
20 conveniences and improvements. So I think that those  
21 things need to be looked at and the answers really  
22 tightened down to see if it makes sense for those reasons.

23 CHAIR ROBINSON: Thank you. Commissioner Kahu  
24 Hill.

25 COMMISSIONER HILL: Mine, also, is -- is the

1 rapport and that it could adversely affect or interfere  
2 with public or private schools.

3 CHAIR ROBINSON: Okay. Any other discussion,  
4 Commissioners? Let's take a vote on the -- on the motion  
5 to have a site visit. All those in favor of a site visit,  
6 please raise your right hand. All those opposed? Well,  
7 no, it's -- what it is, is -- and before -- and -- and  
8 before I cast my vote, is I feel we're making the  
9 applicant fix the private school's problem of not having  
10 crossing guards and having kids be in a safe road. I  
11 mean, and that's just -- and that's just my opinion.  
12 It's -- it's the -- it's -- if we're worried about  
13 children on the street, a sidewalk is better than not a  
14 sidewalk. If we're worried about pedestrians on a street,  
15 a sidewalk is better than not a sidewalk. And -- and  
16 speed is controlled by smaller roadways. Honolulu Freeway  
17 is a perfect example of that. When they went from three  
18 lanes to four lanes, the speeds went down and -- and the  
19 fatalities went down. But I'm not an expert on that. I'm  
20 just -- I'm just saying on the zoning.

21 And if -- if -- if we do agree to a site visit,  
22 how -- how would that scheduling work, Director?

23 DIRECTOR SPENCE: I think the Planning staff  
24 would work with the Chair to try to schedule something.  
25 And then we would poll the members on when they would be

1 available to go on a site visit. There would have to be  
2 a -- an agenda posted. And when you meet on the site, you  
3 have to take public testimony, et cetera.

4 CHAIR ROBINSON: Is -- is there an opportunity  
5 for a committee to have a site visit or do -- or do the  
6 whole Commission have to go?

7 DIRECTOR SPENCE: If -- if that would be the  
8 desire of the Commission, you could send an investigative  
9 committee, temporary investigative committee group -- I  
10 forget. It's a TIG.

11 CHAIR ROBINSON: And would public testimony  
12 be -- be required at that -- at that investigative  
13 committee or not? Corp Counsel.

14 MR. GALAZIN: Thank you, Chair.

15 No. If -- if you formed an investigative  
16 subcommittee for a specific purpose, that is not a meeting  
17 of the Commission itself. So they could go out and just  
18 coordinate at any time. They would have to come back,  
19 report at another meeting. And then no action could be  
20 taken until a subsequent meeting after that.

21 So if I'm understanding the tenor of the  
22 Commission, I think there are some concerns about traffic  
23 and there are some concerns that we're just talking about  
24 zoning here and that traffic is kind of going to be what  
25 it -- what it is and that potentially there could be



1 improvements that might help or that might not. If there  
2 seems to be not a consensus amongst the group, there could  
3 be a motion to pass this on to the County Council without  
4 a recommendation, but with the specific concerns of the  
5 Commission Members noted on that transmittal. So there  
6 could be a no -- no -- a no recommendation transmittal  
7 sent.

8 CHAIR ROBINSON: Having said that, I -- I am  
9 opposed to having a site visit. It's just going to take  
10 too long. I think there's a long ways to go, a lot of  
11 different times for people to get their input in. I don't  
12 want to delay this another three to six months. Housing  
13 is needed now, not later. Safety can be addressed at the  
14 next level.

15 Having that said, the motion dies. Would we  
16 like to just send concerns over to the County Council?

17 COMMISSIONER CARNICELLI: I have a question  
18 first.

19 CHAIR ROBINSON: Commissioner Carnicelli.

20 COMMISSIONER CARNICELLI: So, Corporation  
21 Counsel, what's -- you know, part of your job is to help  
22 us mitigate liability. What is the liability? If this  
23 gets denied, that the applicant can then litigate this  
24 thing by saying I have two letters before I owned this  
25 property saying that this is what -- this A-2 is,

1 actually, what it is that I'm supposed to have. I have  
 2 two letters from the County saying that. And what I'm  
 3 trying to do is I'm trying to be a nice guy and not  
 4 litigate it and say like, you know, I'll just go in for my  
 5 change of zoning. And then we're going to go, no. And  
 6 then, you know, what -- what sort of recourse does he have  
 7 to then go like, okay, fine, then I guess I got to go  
 8 through the court system?

9 CHAIR ROBINSON: Corp Counsel.

10 MR. GALAZIN: Certainly, if it's the will of  
 11 this body to go into Executive Session, we could discuss  
 12 it.

13 CHAIR ROBINSON: Commissioner Kahu Hill.

14 COMMISSIONER HILL: I just wanted to state that  
 15 it wasn't just the traffic, it was understanding that this  
 16 building is going to go up 35 feet and as well as the  
 17 visibility between the landscaping, the building, and how  
 18 would it be for the highway and Dickenson. It wasn't just  
 19 about that. So just so I can have that on the record,  
 20 looking at it, how that would affect that corner to have  
 21 such a large building there.

22 COMMISSIONER CARNICELLI: I'll make a motion.

23 CHAIR ROBINSON: I'm listening.

24 COMMISSIONER CARNICELLI: I make a motion to  
 25 send it to Council with no recommendation from the

1 Commission as approval or not approval, and state that we  
2 have concerns about traffic and safety and whatever else  
3 it is that the fellow Commissioners would like to add.

4 CHAIR ROBINSON: Do I have a second?

5 VICE-CHAIR HUDSON: I'll second.

6 CHAIR ROBINSON: Commissioner Hudson, second.  
7 Discussion on that, Commissioners? So we're looking at  
8 not recommending for or against, but we're just passing it  
9 along and saying we have reservations, we have concerns  
10 regarding traffic, safety, I heard construction, I heard  
11 height. Is there any other concerns that we would like to  
12 pass on to the Council for them to -- for us to -- to hear  
13 from us? Commissioner La Costa.

14 COMMISSIONER LA COSTA: Thank you.

15 Yes, I, also -- if we're moving this forward, I,  
16 also, would like to look at the consideration of the  
17 minimal amount of liability of only \$1 million because  
18 you're talking about a lot of traffic and everything  
19 that's going on there. So the consideration should be an  
20 increased liability requirement.

21 CHAIR ROBINSON: Are you talking during  
22 construction or the property has to carry liability?

23 COMMISSIONER LA COSTA: The requirement here  
24 shows \$1 million for protecting --

25 COMMISSIONER HILL: SMA.

1 COMMISSIONER LA COSTA: Oh, I beg your pardon.  
2 I'm out of order. Excuse me.

3 CHAIR ROBINSON: That's okay. It's -- I get it  
4 mixed up every other -- we have so many things in front --  
5 and that's the thing, you know. And the question is --  
6 you know, I'm with you. You know, it's -- it's -- safety  
7 is huge. And when you look at the path that we have to go  
8 through, and there will be more, and because we're not a  
9 voting -- because we're not voting on this and approving  
10 it, we're just doing recommendations or passing through  
11 the Council. I think that's where all of our concerns,  
12 including our senator, including our other people that  
13 were opposed, they'll all have their opportunity again to  
14 go ahead and speak in front of it. And -- and it's  
15 definitely not going to -- today is not going to define  
16 anything except, you know, to get our thoughts on what  
17 they should look at.

18 So, Tara, were you able to hear the concerns?  
19 Can you please -- can you please --

20 MS. FURUKAWA: Yes.

21 CHAIR ROBINSON: -- read back us what you hear  
22 to make sure our Commissioners are comfortable?

23 MS. FURUKAWA: The Maui Planning Commission is  
24 not forwarding any recommendation to the County Council,  
25 but you're recognizing concerns of traffic, public safety,

1 construction, specifically noise and height.

2 CHAIR ROBINSON: Commissioners, is there  
3 anything else? Commissioner Castro.

4 COMMISSIONER CASTRO: Perhaps communication from  
5 the priest rather than from the principal.

6 CHAIR ROBINSON: So -- so when they send the  
7 notice, hopefully they can -- I don't know who is on  
8 the -- who -- who receives all the mail for property for  
9 taxes and all that type of stuff. So, you know, that's --  
10 I think that's done internal. I think -- I think they  
11 have to work out who gets information. And I think now  
12 that it's in the open, the pastor is probably going to  
13 speak to the -- but I don't know if we can say who they  
14 have to give. We hope that there will be a time where  
15 more people are involved. But, again, we can't -- like we  
16 heard earlier, we can't require certain people to do  
17 things, but I think -- I think the applicant hears us,  
18 what we're going at.

19 COMMISSIONER CARNICELLI: Is the height  
20 different in the A-2 than R-2?

21 CHAIR ROBINSON: Director.

22 DIRECTOR SPENCE: A-1 is two-story. I forget  
23 the exact height. A-2 is a lot higher. I don't think --  
24 I think it's --

25 MS. FURUKAWA: A-2 is 60 feet.

1 DIRECTOR SPENCE: Yeah. And --

2 MS. FURUKAWA: B-1 is 35.

3 DIRECTOR SPENCE: The way that they're proposing  
4 this is just so they could get a third floor. Not --  
5 not -- they're not planning on going 60 feet.

6 CHAIR ROBINSON: Right.

7 MS. FURUKAWA: That's the maximum height.

8 CHAIR ROBINSON: 35. Okay. All right. Thank  
9 you.

10 COMMISSIONER CARNICELLI: We got to vote on  
11 the --

12 CHAIR ROBINSON: There's a motion to -- to not  
13 have a recommendation. Yeah. So all those in favor,  
14 please raise your right hand.

15 DIRECTOR SPENCE: That's five ayes.

16 CHAIR ROBINSON: All those opposed? One  
17 opposed. All right. Thank you.

18 COMMISSIONER TACKETT: My opposition?

19 CHAIR ROBINSON: No. That was the vote. I'm  
20 sorry. But -- but it comes back for SMA, so -- so we  
21 can --

22 COMMISSIONER TACKETT: I would defer that way  
23 any day.

24 CHAIR ROBINSON: Okay. Thank you.

25 COMMISSIONER CARNICELLI: Do we have to move to

1 defer the SMA now?

2 CHAIR ROBINSON: Yes. Yes.

3 COMMISSIONER CARNICELLI: I make a motion to  
4 defer the SMA.

5 VICE-CHAIR HUDSON: Second.

6 CHAIR ROBINSON: Seconded by Commissioner  
7 Hudson. Discussion on the floor. We're looking to defer  
8 the SMA to -- to not vote on it today, but to vote on a  
9 later date, until after the zoning will be approved by the  
10 Council. All those in favor of deferment, please raise  
11 your right hand. That's -- that's six deferments. Thank  
12 you.

13 (Item E.1. concluded.)

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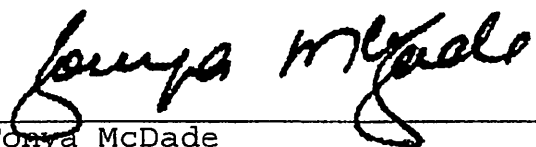


## CERTIFICATE

I, TONYA MCDADE, Certified Shorthand Reporter, do hereby certify that the electronically-recorded proceedings contained herein were, after the fact, taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; proofread under my supervision; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the electronically-recorded proceedings provided to me in the foregoing matter.

I further certify that I am not an employee nor an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 30th day of July, 2018.



Tonya McDade  
Registered Professional Reporter  
Certified Realtime Reporter  
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