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Summary

- (1) Pi'ilani Promenade Property Use: Need = Resident Housing, Not Commercial
- (2) Infrastructure: Pi'ilani Highway is Inadequate to Support Commercial Use
- (3) Urgent Need for Alternative to South Kihei Road: We Are Vulnerable

(1) Comments re Land Use Map: 88 Acre Pi'ilani Promenade/Honua'ula Property

If it is to be developed at all, it should be for needed housing on the three Pi'ilani parcels, North and South, with the 13 acre Honua'ula Partners parcel in the rear reserved for Neighborhood Center use benefiting nearby housing. (See EXHIBIT "A.")

Besides addressing a community need, housing would put less stress on an already overburdened Pi'ilani Highway, particularly in comparison to commercial and retail uses that generate more traffic volume in dramatically different patterns.

A. Draft Land Use Map Designation

The Land Use Map attached to the Draft Plan designates the two Pi'ilani Highway fronting parcels owned by Pi'ilani Promenade North and Pi'ilani Promenade South for Small Town Center development with residential use on the two smaller parcels in the rear. Given the definition of what can be built in a Small Town Center the great majority of this land would be developed into a commercial and retail center not unlike the "Mega Mall" rejected by the community and by the state Land Use Commission. Rather than "Mega", perhaps it would be "Mini Mall" in the form of "new low- to medium-density commercial" use covering "a larger area and may serve more neighborhoods."

The two Pi'ilani Promenade parcels fronting Pi'ilani Highway do indeed cover a large area. Their combined acreage is roughly equivalent in size to the Target Shopping Center on Ho'okele Street combined with the nearby Walmart and Home Depot properties.

Pi'ilani Promenade North parcel:	30.13 acres
Pi'ilani Promenade South (makai)	<u>19.54 acres</u>
Total:	49.67 acres

Target Shopping Center:	24.452 acres
Walmart:	12.985 acres
Home Depot:	<u>12.701 acres</u>
Total:	50.138 acres

Imagine 50 acres of new commercial development, "serving more neighborhoods," perched on and abutting our already overburdened highway, knowing that retail and commercial traffic patterns are significantly different and greater than that for housing, and since this

would be all new development (the land is now fallow), traffic from development of the acreage would impose all new burden.

I predict the community would be outraged, once again, with this kind of use, just at it erupted when the owners of Pi'ilani Promenade North and South attempted to foist an unauthorized Mega Mall on the community in 2011, with the county's ill-advised support, only to be stopped by the LUC after a contested case hearing, at the urging of citizens opposed to it and with the support of the State Office of Planning.

Bear in mind, too, that the Subdivision Agreement between the County and the owners of the Pi'ilani/Honua'ula parcels requires construction of four lanes of ingress and egress roadway connecting the parcel to Pi'ilani Highway. In addition, Condition 5 of the 1995 LUC Order permitting a district boundary amendment changing the land's classification from Agricultural use to Urban (for specific development of a 123-lot light industrial park and not for Small Town Development) requires the owners to

"[F]und, design and construct necessary local and regional roadway improvement necessitated by the proposed development in designs and schedules accepted by the State Department of Transportation and the County of Maui. **Petitioner shall provide traffic signals at the intersection of Piilani Highway and Kaonoulu Street**, and shall submit a warrant study in coordination with the Department of Transportation.

(See EXHIBIT "B" for a brief history of this property since the early's 1990s when Kaonoulu Ranch first proposed it for development into a 123-lot light industrial park.)

The only justification for adding more traffic burden to the highway from the Pi'ilani Promenade parcels would be new **development serving a compelling public interest: housing for our people, not 50 acres of commercial development.**

(2) Pi'ilani Highway and South Maui Roadway Carrying Capacity Is Inadequate
With No Relief in Sight

Online introductory language copied from the Draft South Maui Community Plan Update: states:

"Transportation & Mobility Resource Paper at a Glance

Between 2014 and 2018, South Maui had an average increase in traffic volume of three percent per year. The Maui Travel Demand Model estimates an increase of two percent per year, which means that traffic in South Maui is getting worse faster than expected.

In general, North and South Kihei subareas have the highest levels of traffic and congestion in South Maui. South Kihei also has the highest density of residential, commercial and visitor accommodations creating a bottleneck for drivers."

Yes. That's where we are, with owners of acres of now barren land in the north Kihei area pushing for more development where none currently exists.

B. The Plan Solution

So what are we to do? The answer lies partly in Draft Plan Policy 2.16:

"Require and undertake transportation system improvements prior to or concurrent with the growth of the South Maui Region." (Pages 32-33.)

C. No Expected or Reliable Roadway Relief Coming to South Maui's Rescue

What, where, when and to what extent might these "prior improvements" be? And with what degree of certainty can we assume their existence sufficient for the community plan update to green light development of *any* existing undeveloped land in the region?

Take a look. HDOT's 2011 Federal-Aid to Highways 2035 Plan for Maui shows there isn't any relief in sight. We are stuck.

Here's what it says about Pi'ilani Highway's capacity:

Exhibit 3-5, 2007 Volume-to-Capacity Ratio (p. 3-11) indicates large portions of Pi'ilani Highway functioning at LOS E. Near the 88 acre Mega Mall/Pi'ilani Promenade site, LOS is rated D, degrading to F immediately to the north.

Without building new roadways, the entire stretch of Pi'ilani Highway from Maui Meadows all the way into Kahului and Ma'alaea is expected to fall to Level F. (p. 3-12.)

Under "Potential Solutions," the report lists the following *possible* long-range solutions. (cost estimates are stated in outdated 2011 values):

1. Add two additional lanes from Kilohana to Wailea: \$32,656,000.

Comment: This is also a condition of Honua'ula/Wailea 670 development. If Honua'ula/Wailea 670 actually undertakes funding for this limited expansion it will necessarily be a precursor to another massive development coming on line with resultant traffic added to South Maui's already overburdened roadway capacity. Additionally, while this improvement will help alleviate congestion at this particular bottleneck location, it will not add to overall roadway throughput capacity.

2. Add two travel lanes with a continuous center turn lane at South Kihei Road from Pi'ikea to Lipoa Street: \$29,111,000.

Comment: This would lessen traffic in this specific location but not add overall throughput capacity.

3. Complete the North-South Collector Road: \$51,144,000.

Comment: In his inaugural State of the County speech Mayor Bissen announced completion of the North-South Collector Road as one of his administration's top priorities. The same night, in remarks delivered at a Kihei Community Association meeting, the mayor made the startling statement that the northern section of South Kihei Road would become impassable in 15 years due to climate change and sea level rise. Such an outcome would be devastating for South Maui, leaving the area with only one way in and one way out. A Collector Road would not compensate for the loss since, as an internal roadway, it would not facilitate external ingress and egress.

With the area's access reduced exclusively to Pi'ilani Highway, not only would daily traffic be a nightmare, it would present an extremely dangerous situation in the face of a catastrophe - a wildfire, hurricane, tsunami, 100 year flood, earthquake, etc. - when thousand of residents, visitors and local workers may need to flee. Pi'ilani Highway would quickly become a parking lot while access to Maui's only hospital would be delayed if not denied to those in need of medical care, creating a Third World-like outcome.

4. Develop a brand new road from Kihei to Upcountry: \$136,500,000.

Comment: It's my understanding this has been abandoned: too costly and not particularly useful.

5. Build a four lane Kihei Mauka Bypass from Mokulele to Kanani Road: \$127,859,000.

Comment: It's not even on the books and it certainly will not be ready within the term of the community plan update timeframe, maybe not within any of our lifetimes.

None of the above are under construction. There aren't any discernible construction plans for them. There are no established dates for completion. Nor have I seen any calculation of the extent to which any would improve Pi'ilani Highway service levels and throughput if completed. Meanwhile area traffic is projected to grow at 2% per year, making an already bad situation progressively worse.

(3) We Urgently Need a New Access Road Connecting
South Maui With Greater Maui

The current Kihei-Makena Community Plan adopted by the county in 1998, the drafting of which began about 5 years prior in 1993 (30 years ago) called for a Collector Road in nice language:

"Develop and implement a well-planned road and public transportation system to allow residents and visitors to move safely, effectively and comfortably within the region." (p.31.)

How did that go?

If anything, traffic in the area has worsened considerably, leaving the entire South Maui region highly vulnerable to calamity if and when South Kihei Road is lost to us due to climate change and expected coastal erosion - in 15 years as Mayor Bissen recently predicted.

Why am I dwelling on this? Because the threat of loss of one of only two roadways into and out of South Maui is a "house on fire" situation that should be a major factor in determining the amount and kind of development allowed in the updated plan.

Consider words from the 2008 Maui Health Initiative Task Force Report to the State Legislature addressing risk and Maui's emergency preparedness (page 88):

"There is also 'acceptable risk,' a term referring to the level of loss a society or community considers acceptable given existing social, economic, political, cultural, technical and environmental conditions."

Then there is this:

"[A]n increase in any one of the critical parameters of a disaster will strain that ability [to respond] to the point of inadequacy. Increases in terms of magnitude, scale, scope or geographic area will quickly outstrip county resources and services, creating a scenario of chaos and calamity." (p. 87.)

With these sobering words in mind, consider the state thousands of South Maui residents, workers and visitors would find themselves in with Pi'ilani Highway, already beleaguered, being the only way in and out in an emergency.

I draw three conclusions from this:

- (1) Our transportation system presents significant health and safety vulnerabilities to the whole of South Maui in general and to its residents, visitors, and workers in particular;
- (2) This vulnerability needs to be translated into the decisions made with respect to new development in the region and, more specifically, with respect to the kind and intensity of development permitted on the Pi'ilani Promenade/Honua'ula 88 acre site abutting the highway;
- (3) The language presently agreed upon by CPAC with respect to this vulnerability is inadequate in conveying the need for urgency action and its connection with South Maui development decision making as a whole. Give meaning to "Require and undertake transportation improvements prior to or concurrent with the growth of the South Maui Region."

Question: Does your draft policy and action statements achieve this? My suggestions are in red.

1.0.3 | To replace anticipated climate change loss of South Kihei Road (one of only two roadways providing access in and out of South Maui), to increase mobility options and to reduce traffic congestion in South Maui, urgently complete the construction of the Kihei North-South Collector Road and Multi-Use Path including the sections between East Waipu'ilani Road and Ka'ono'ulu Street; East Welakahao Road and Halekuai Street; the section connecting Kanani/Auhana Roads to Līloa Drive; and Ka'ono'ulu Road to North

Kihei Road. This is the highest priority for roadway improvements in the South Maui community plan area upon which the health, safety and economy of the region depend. Consideration should be given to rerouting sections of the N-S collector road where original right of way has not been protected, and cannot be utilized.

2.1.11 | Require the completion of the North-South Collector Road and adjacent multi-use path that will improve travel through Kihei and provide access to additional routes for emergency ingress and egress as a predicate to further area development beyond that already approved."

These language additions are consistent with the current situation and public policy requiring "transportation improvement prior to or concurrent with growth," particularly in context to what is already on the books, e.g, Ledcor 's 950 second homes in Wailea, the Tech Park's expansion of Lipoa Street to 4 lanes to accommodate significant commercial and residential development plus added right turn ingress and left turn egress lanes off Pi'ilani; and the immense additions near the final stage of development in Makena, to mention a few (but, hopefully, not including commercial development on the two Pi'ilani Promenade parcels).

Thank you for your consideration.

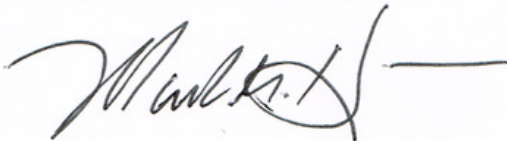
A handwritten signature in black ink, appearing to read "Mark S. H." followed by a horizontal line.



EXHIBIT "A"

EXHIBIT "B"

Background

The property, owned by Honua'ula Partners, Pi'ilani North and Pi'ilani South, was originally owned by Kaonoulu Ranch. In the early 1990s the Ranch petitioned the State Land Use Commission (LUC) for permission to reclassify it to urban designation for development of a 123-lot light industrial and commercial park to be named "Kaonoulu Industrial Park." A map of the proposed development submitted to the LUC by the Ranch follows.

Its petition was approved by the LUC resulting in an Order made in 1995 requiring, among many other things, development of the land consistent with the representations made to the Commission. This is standard.

Over the next 10 years the Ranch did not develop the property (for a variety of reasons not relevant here) and in 2005 sold it to Maui Industrial Partners (MIP). Immediately after MIP bought the property it proceeded to market it for commercial development and later subdivided the land into 4, not 123, large lots for sale to Honua'ula Partners for housing and to Pi'ilani North and South for development into two large retail shopping complexes. The Pi'ilani developers then obtained grading permits from the County to commence site work for the shopping centers. This prompted Maui Tomorrow, Daniel Kanahale and I, acting through South Maui Citizens for Responsible Growth, to seek and obtain a temporary restraining order stopping the work, which the LUC granted on a 5 - 0 vote, followed by a contested case hearing resulting in the LUC finding Honua'ula's housing project and the two retail complexes inconsistent and noncompliant with the representations made by the Ranch. A stay was then entered.

Thereafter, over the next 6 or so years, the property owners presented two separate development proposals to the LUC, each differing significantly from the Ranch's approved plan. Both efforts failed to gain LUC approval, leaving the 1995 Order in place. Subsequently the parties, including the County of Maui, entered into extensive settlement discussions which ultimately gave rise to a formal Settlement Agreement approved by the LUC that commits the owners to develop the 88 acres into a 123-lot light industrial and commercial park represented by the Ranch to the LUC. The county approved the agreement as to form.

Inconsistency of Draft Land Use Map with the 1995 Order

The proposed uses now offered up in the draft land use map are not consistent with the LUC's 1995 Order and the more recent Settlement Agreement.

Native Hawaiian Cultural Park Set-Aside

The Settlement Agreement provides for conservation set-asides of specific acreage located in the *mauka* Pi'ilani Promenade South parcel for a Native Hawaiian cultural

park. A small gulch transecting the Honua'ula and Pi'ilani North parcels is likewise to be set aside and free from development. (Pink/dark colored areas on the map that follows.)

Subdivision Agreement between MIP and the County

When MIP subdivided the property into 4 large lots, the county required three additional parcels to be set aside: one to accommodate 4 lanes of traffic as part of the upcountry highway plus two along Pi'ilani Highway. In addition MIP, owner at the time, was obligated to relocate South Maui's critical water transmission line from its current location, diagonally bifurcating the property, to the perimeter of the parcel. These conditions "run with the land," binding current and future owners.

Implications for Draft Land Use Map

Although the Planning Department is aware of the 1995 LUC Order and 2020 Settlement Agreement, the draft plan map is in conflict. Per the Planning Department, the property's ultimate use is open for discussion.

