

**VOLUME 5**  
**~~DRAFT~~ FINAL ENVIRONMENTAL**  
**IMPACT STATEMENT**  
**FOR**  
**PI‘ILANI PROMENADE**

**APPENDICES O – V**

<u>Appendix O</u>	<u>Final Subdivision Approval Letter</u>
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June 2017  
~~August 2014~~





## **APPENDIX O**

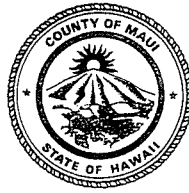
### **Final Subdivision Approval Letter**



CHARMAINE TAVARES  
Mayor

MILTON M. ARAKAWA, A.I.C.P.  
Director

MICHAEL M. MIYAMOTO  
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.  
Development Services Administration

CARY YAMASHITA, P.E.  
Engineering Division

BRIAN HASHIRO, P.E.  
Highways Division

COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
**DEVELOPMENT SERVICES ADMINISTRATION**  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

August 14, 2009

Mr. Darren Okimoto, P.E.  
WARREN S. UNEMORI ENGINEERING, INC.  
2145 Wells Street, Suite 403  
Wailuku, Hawaii 96793

**SUBJECT: KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2**  
**TMK: (2) 3-9-001:016**  
**SUBDIVISION FILE NO. 2.2795**

**KAONOULU RANCH-WATER TANK SUBDIVISION**  
**TMK: (2) 2-2-002:015**  
**SUBDIVISION FILE NO. 2.2995**

Dear Mr. Okimoto:

Final approval for the subject subdivisions have been granted on August 14, 2009, based upon an "Agreement For Subdivision Approval" and "Subdivision Bond" in the following amounts totaling \$22,058,826.00:

Bond No. SU1102685 (Sitework Improvements)	\$1,256,710.00
Bond No. SU1102686 (East Kaonoulu Street Improvements)	2,299,046.00
Bond No. SU1102687 (Piilani Highway Widening Improvements)	1,411,106.00
Bond No. SU1102688 (Access Road and Swales)	1,771,330.00
Bond No. SU1102689 (Sewer System/Revisions)	712,592.00
Bond No. SU1102690 (Storm Drainage System/Revisions)	2,895,052.00
Bond No. SU1102691 (Onsite Water System)	834,700.00
Bond No. SU1102692 (12" Offsite Water/1MG Water Tank)	4,802,784.00
Bond No. SU1102693 (36" Water Main/Water/Misc. Revisions)	2,444,940.00
Bond No. SU1102694 (Electrical)	885,566.00
Bond No. SU1102695 (Traffic Signal Improvements)	643,000.00
Bond No. SU1102696 (Landscape/Irrigation)	1,202,000.00
Bond No. SU1102697 (CRM Walls)	\$ 900,000.00

The approved final plats and copies of the "Agreement For Subdivision Approval" and "Subdivision Bond" are enclosed for your records.

Mr. Darren Okimoto, P.E.

**SUBJECT: KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2  
SUBDIVISION FILE NO. 2.2795  
KAONOULU RANCH-WATER TANK SUBDIVISION  
SUBDIVISION FILE NO. 2.2995**

August 14, 2009

Page 2 of 2

The "Agreement For Subdivision Approval" and "Subdivision Bond" stipulates that the Subdivider shall complete the required subdivision improvements on or before July 17, 2010.

If you have any questions regarding this letter, please contact Lesli Otani of our Development Services Administration at 270-7252.

Sincerely,



MILTON M. ARAKAWA, A.I.C.P.  
Director of Public Works

Enclosures: Final Plats

Agreement For Subdivision Approval

Subdivision Bond (Bond Nos. SU1102685 thru SU1102697)

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c: Dept. of Finance, Accounts Division w/final plats, agreement, & bonds  
Dept. of Finance, Real Property Tax Division w/final plats  
Dept. of Finance, Tax Map Division w/final plats  
Building Permit Section w/final plats  
Engineering Division w/final plats  
Dept. of Environmental Management, WWRD w/final plats  
Dept. of Planning w/final plats  
Dept. of Water Supply, SD 03-90 & 06-106 w/final plats  
Police Dept. w/final plats  
Dept. of Parks and Recreation w/final plats  
State Department of Health w/final plats  
DOT, Highways Division w/final plats  
Maui Electric Co. w/final plats



## **APPENDIX P**

### **DEIS Comment Letters with Responses**



## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
Pacific Islands Water Science Center  
677 Ala Moana Blvd., Suite 415  
Honolulu, Hawaii 96813

Phone: (808) 587-2400/Fax: (808) 587-2401

October 2, 2014

Mr. Robert Poynor, Vice President  
LLC. c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

Dear Mr. Poynor:

Subject: Draft Environmental Impact Statement (DEIS), Piilani Promenade, Island of Maui,  
Makawao-Wailuku Districts, Tax Map Key: TMKs (2) 3-9-001: 016, 170-174

Thank you for forwarding the subject DEIS for review and comment by the staff of the U.S. Geological Survey Pacific Islands Water Science Center. We regret however, that due to prior commitments and lack of available staff time, we are unable to review this document.

We appreciate the opportunity to participate in the review process.

Sincerely,

Stephen S. Anthony  
Center Director

cc: Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96793

RECEIVED

OCT - 3 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett

13/027



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Stephen S. Anthony, Center Director  
United States Department of the Interior  
U.S. Geological Survey  
677 Ala Moana Blvd., Suite 415  
Honolulu, HI 96813

Dear Mr. Anthony,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your comment letter of October 2, 2014, indicating your office will not review this document. Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

NEIL ABERCROMBIE  
Governor



DANIEL E. ORODENKER  
Executive Officer

**LAND USE COMMISSION**  
Department of Business, Economic Development & Tourism  
State of Hawai'i

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October 3, 2014

RECEIVED

OCT - 6 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett 131029

Mr. Brett Davis  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96793

Dear Mr. Davis:

Subject: Docket No. A94-706/Kaonoulu Ranch  
Draft Environmental Impact Statement (DEIS)  
Piilani Promenade  
Kihei, Maui, Hawaii

We have reviewed the DEIS for the proposed project and have the following comments to offer:

- 1) In accordance with section 11-200-17(e), Hawaii Administrative Rules (HAR), a description of the project should be included. To this end, please provide information on the cost of the project, including both offsite and onsite infrastructural improvement and building construction costs. The description should also include the phasing and timing of the action. We acknowledge that the DEIS includes discussion on the development phasing. We request that this discussion be expanded to include more detailed information on the commencement and completion dates of each specific use planned for Phase I and Phase 2.
- 2) In accordance with section 11-200-17(h), HAR, the status of each identified approval should be described. We acknowledge that the DEIS includes a listing of entitlements and approvals. We request that to the extent possible the *projected* submittal dates (i.e., by month/year) of the various applications to the responsible agencies be provided.

- 3) In accordance with section 11-200-17(i), HAR, the probable impact of the proposed action on the environment shall be included. We note that there is no discussion in the DEIS on the existing civil defense facilities in the area and on the potential impacts on such facilities from the project. We request that the Final EIS address this matter, including any plan to fund and construct adequate civil defense measures (sirens) to serve the project site as may be required by the State Department of Defense, Office of Civil Defense.

Section 11-200-17(i), HAR, also requires that the interrelationships and cumulative environmental impacts of the proposed action and other related projects be discussed. We acknowledge that the DEIS includes a section on cumulative and secondary impacts on pages 208 through 212. Within this discussion, there are references to "other developments in Kihei," "other planned projects in the area," and "other area projects." We request that these other projects be specifically identified and their specific impacts on each public service/facility and resource be quantified together with the proposed development to more accurately disclose the scope and magnitude of their cumulative and secondary impacts on the environment.


- 4) In accordance with section 11-200-17(j), HAR, a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity should be provided. We acknowledge that the DEIS includes a section addressing this relationship. However, we request that the impacts and potential benefits be quantified to better assess the extent to which the proposed development involves trade-offs among short-term and long-term gains and losses, forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.
- 5) In accordance with section 11-200-17(k), HAR, a description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented should be included. We acknowledge that the DEIS includes a section addressing this requirement albeit in a very

generalized manner. We request that at a minimum, this discussion quantify the various commitments to more fully disclose the extent of such commitments of resources.

- 6) In accordance with section 11-200-17(m), HAR, mitigation measures proposed to avoid, minimize, rectify, or reduce impact, should be considered in the DEIS. We acknowledge that various mitigation measures to address potential impacts of the proposed development are discussed throughout the DEIS. However, we suggest that for ease of reference the DEIS include a separate and distinct section that collectively includes an enumeration of each potential impact and the corresponding mitigation measure(s). The basis for why a particular measure was selected and the timing of its implementation in the process should be described here as should the proposed provisions to ensure that each measure will be undertaken.
- 7) In accordance with section 11-200-17(o), HAR, the identity of the persons, firms, or agency preparing the document should be disclosed. This would include the preparers of the actual DEIS/FEIS itself and the authors/firms of the specific studies/reports. This listing may be incorporated within Chapter VIII entitled *Consultation and Review*.
- 8) On pages 91, 94, and 111 of the DEIS, it is stated that "[t]he Piilani Promenade does not lie within the Hawaii Coastal Zone Management Area...for the island of Maui." This is incorrect. Please be advised that pursuant to section 205A-1, Hawaii Revised Statutes, the Coastal Zone Management area encompasses the entire state.

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEIS.

Sincerely,



DANIEL E. ORODENKER  
Executive Officer





**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

Mr. Daniel E. Orodener, Executive Director  
State Land Use Commission  
PO. Box 2359  
Honolulu, Hawaii 96804

Dear Mr. Orodener,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 3, 2014. In responding to your comments on the DEIS, we would like to note the following.

**LUC Comment 1.**

*In accordance with section 11-200-17(e), Hawaii Administrative Rules (HAR), a description of the project should be included. To this end, please provide information on the cost of the project, including both offsite and onsite infrastructural improvement and building construction costs. The description should also include the phasing and timing of the action. We acknowledge that the DEIS includes discussion on the development phasing. We request that this discussion be expanded to include more detailed information on the commencement and completion dates of each specific use planned for Phase I and Phase 2.*

**Response 1:** In response to comments regarding the proposed project schedule, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:

**Development Phasing**

It is anticipated that the Piilani Promenade project will be constructed in two (2) three (3) phases upon receipt of LUC approval and as market conditions warrant.

Phase one is the Piilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUH) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Piilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank,

the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

Phase two three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Piilani Promenade will be obtained by in the second quarter of 20162017 and construction for Phase 1 and 2 is expected to be completed in 2018. Phase 2 and Phase 3 developments are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.

As requested by the LUC and the Office of Planning, Table 1.a below provides an estimated timeline for development and estimated construction cost for the proposed project. The estimated construction costs will be privately paid for by the Applicant, no public funds are being used to construct the proposed project.

**Table No. 1a**  
 Development Phasing Timeline with Cost Estimate

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b>Phase 1</b>			
<u>Site work Improvements</u>	<u>\$1,256,710.00</u>	<u>Upon approval of the Motion to Amend by the LUC</u>	<u>16 months after approval of the Motion to Amend by the LUC</u>
<u>East Kaonoulu Street Improvements</u>	<u>\$2,299,046.00</u>	<u>"</u>	<u>"</u>
<u>Piilani Highway Widening Improvements</u>	<u>\$1,411,106.00</u>	<u>"</u>	<u>"</u>
<u>Access Road and Swales</u>	<u>\$1,771,330.00</u>	<u>"</u>	<u>"</u>
<u>Sewer System/Revisions</u>	<u>\$712,592.00</u>	<u>"</u>	<u>"</u>
<u>Storm Drainage System/Revisions</u>	<u>\$2,895,052.00</u>	<u>"</u>	<u>"</u>
<u>Onsite Water System</u>	<u>\$834,700.00</u>	<u>"</u>	<u>"</u>
<u>12" Offsite Water/IMG Water Tank</u>	<u>\$4,802,784.00</u>	<u>"</u>	<u>"</u>
<u>36" Water</u>	<u>\$2,444,940.00</u>	<u>"</u>	<u>"</u>

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<u>Main/Water/Misc. Revisions</u>			
<u>Electrical</u>	<u>\$885,566.00</u>	"	"
<u>Traffic Signal Improvements</u>	<u>\$643,000.00</u>	"	"
<u>Landscape/Irrigation</u>	<u>\$1,202,000.00</u>	"	"
<u>CRM Walls</u>	<u>\$900,000.00</u>	"	"
<b><u>Phase 2</u></b>			
<u>Light Industrial</u>	<u>\$13,000,000</u>	Prior to completion of Phase 1	15-16 months after commencing work
<u>Business/Commercial</u>	<u>\$27,500,000</u>	"	"
<u>Apartments</u>	<u>\$33,500,000</u>	"	12 to 13 months after commencing work
<b><u>Phase 3</u></b>			
<u>Business/Commercial</u>	<u>\$118,250,000</u>	Prior to completion of Phase 2, this portion of development is market driven	15-16 months after commencing work

**LUC Comment 2.**

*In accordance with section 11-200-17(h), HAR, the status of each identified approval should be described. We acknowledge that the DEIS includes a listing of entitlements and approvals. We request that to the extent possible the projected submittal dates (i.e., by month/year) of the various applications to the responsible agencies be provided.*

**Response 2:** In response to comments regarding the proposed entitlements and approvals, the FEIS Section I. (Project Summary) has been revised to include the following language:

As requested by the Land Use Commission and the Office of Planning the table below provides an estimated timeline for Entitlements and other permit approvals in order to construct the proposed project.

## ENTITLEMENTS AND APPROVALS

**Table No. 1b Estimated Entitlements and Approvals**

<u>Permit / Approval Required</u>	<u>Responsible Authority</u>	<u>Projected Submittal Date</u>
<u>Order Granting Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order dated February 10, 1995</u>	<u>LUC</u>	<u>Pending</u>
<u>HRS Chapter 343 Compliance, Approval of FEIS</u>	<u>LUC</u>	<u>June 2017; Approval July 2017</u>
<u>Jurisdictional Determination</u>	<u>Army Corps of Engineers</u>	<u>2017</u>
<u>Grading and Grubbing Permit</u>	<u>Maui County, Public Works, Development Services Administration</u>	<u>2017</u>
<u>NPDES Permit</u>	<u>State of Hawaii, DOH</u>	<u>2017</u>
<u>Air Pollution Control Permit</u>	<u>State of Hawaii, DOH</u>	<u>2017</u>
<u>Community Noise Permit</u>	<u>State of Hawaii, DOH</u>	<u>2017</u>
<u>Drainage Approval</u>	<u>DPW Engineering Division, and State DOT</u>	<u>2017</u>
<u>Permit to Perform Work Within the State ROW</u>	<u>State DOT</u>	<u>2017</u>

<u>Permit / Approval Required</u>	<u>Responsible Authority</u>	<u>Projected Submittal Date</u>
<u>Easements for Utilities and Roadways</u>	<u>Various</u>	<u>2017</u>
<u>Wastewater Discharge (Hookup) Permit</u>	<u>Maui County, Department of Environmental Management, Wastewater Division</u>	<u>2017</u>
<u>Building Permits</u>	<u>Maui County, Public Works, Development Services Administration</u>	<u>2017-2018</u>

**LUC Comment 3.**

*In accordance with section 11-200-17(i), HAR, the probable impact of the proposed action on the environment shall be included. We note that there is no discussion in the DEIS on the existing civil defense facilities in the area and on the potential impacts on such facilities from the project. We request that the Final EIS address this matter, including any plan to fund and construct adequate civil defense measures (sirens) to serve the project site as may be required by the State Department of Defense, Office of Civil Defense.*

*Section 11-200-17(i), HAR, also requires that the interrelationships and cumulative environmental impacts of the proposed action and other related projects be discussed. We acknowledge that the DEIS includes a section on cumulative and secondary impacts on pages 208 through 212. Within this discussion, there are references to "other developments in Kihei," "other planned projects in the area," and "other area projects." We request that these other projects be specifically identified and their specific impacts on each public service/facility and resource be quantified together with the proposed development to more accurately disclose the scope and magnitude of their cumulative and secondary impacts on the environment.*

**Response 3:** In response to comments regarding civil defense, the FEIS Section III. C. 6 (Civil Defense) has been revised to include the following language.

In response to comments from LUC, the Applicant has contacted the Maui County Civil Defense Agency on several occasions and has not received any comments to date. The Maui

County Civil Defense Agency was provided a copy of the DEIS for comment in August 2014, and after receiving no comment the Applicant's planning consultant hand delivered a hardcopy of summary documents and figures, and a copy of the DEIS on December 11, 2014. The Applicant is willing to consider recommendations from Maui County Civil Defense Agency, should they provide comment on the proposed project.

Furthermore, Condition 4 of the 1995 Decision and Order states that the "Petitioner shall fund and construct adequate civil defense measures as determined by the State and County Civil Defense Agencies". The Applicant does not seek any modification or deletion of Condition 4.

In response to comments regarding the cumulative and secondary impacts, the FEIS Section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language.

This section identifies secondary and cumulative impacts that may result from the phased development of the Pi'ilani Promenade and surrounding development projects.

Existing and future development projects that were considered likely to be constructed in the central Kihei region were the basis for analyzing potential cumulative and secondary impacts. It is noted that most projects are not yet constructed. The developments listed below are the same as those identified in the TIAR update and includes the Maui Research and Technology Park (MRTP). (See: Table No. 16).

**Table No. 16 Other Potential Projects**

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms &amp; 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>

<u>Maui Research and Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>

A brief description of each proposed development is provided as follows:

#### Kaiwahine Village

The proposed Kaiwahine Village is located at the east end of Kaiwahine Street. This 100% affordable housing residential development will consist of 120 multi-family units with landscape planting, parking, infrastructure and utility improvements. The affordable housing development will positively impact the community by providing 120 affordable rental units in Kihei, where housing is needed, and will positively impact the economy by providing real property taxes and creating construction jobs. Construction of the affordable housing development will involve development of vacant land, and short-term air and noise impacts. Future residents of the project will increase local traffic to and from the site, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure. This project is anticipated to be completed by 2025.

#### Maui Lu Resort

Maui Lu Resort currently exists in the northeast quadrant of the intersection of South Kihei Road at Kaonoulu Street. Plans are for the existing resort to be demolished and a 400-unit timeshare constructed in its place along with related service and recreational amenities, and landscape planting, parking, infrastructure and utility improvements. The proposed action involves demolition and removal of the existing Maui Lu Resort complex on the mauka property. On the makai parcel, a two-story oceanfront structure parallel with South Kihei Road will be replaced with a single-story beach club. The other two existing buildings will be reduced in size and renovated. The redevelopment project will positively impact the local economy by generating revenue from visitors. Additionally, redevelopment will provide permanent employment opportunities at the project site in addition to construction jobs and enhancements to the shoreline area may include beach nourishment, sand dune stabilization, and/or improved public beach access. Construction will involve short-term air and noise impacts. Project site operations will increase local traffic to and from the site.

As part of the Maui Lu project, the intersection of South Kihei Road at Kaonoulu Street will be signalized. The proposed signalization had not been completed at the time of this report. Construction has started on the redevelopment of this resort with a proposed opening in 2017.

#### Kihei High School

The proposed Kihei High School will be located along the east side of Pi'ilani Highway, south of the proposed Pi'ilani Promenade development. According to the *Traffic Impact*

Report for Kihei High School (WOC, 2012), the school will have a capacity of approximately 1,650 students serving grades 9 through 12.

Appropriately designed infrastructure will be incorporated into the project to support the campus facilities, operations, and occupants. Access to the proposed high school campus is planned via a new right-in right-out access road off Piilani Highway. The high school will be designed and constructed to incorporate sustainable design features. The project will positively impact the community through provision of a new educational facility and employment opportunities in the construction and education fields. Construction of the high school will involve development of vacant land, minor loss of agricultural land, visual impacts to views from Piilani Highway, and short-term air and noise impacts. School operations will increase local traffic to and from the school, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure. The development of the school will be in two phases with 800 students in Phase 1 and 850 students in Phase 2. Both phases are expected to be completed by 2025.

#### **Kenolio Apartments**

The Kenolio Apartments is located between Pi'ilani Highway and Kenolio Road in the southwest quadrant of the intersection of Kaonoulu Street at Pi'ilani Highway. The proposed project is a 100% affordable multi-family; residential development that will include construction of a total of 186 units including up to two (2) unrestricted on-site manager's units with necessary supporting infrastructure. The development will result in 63, 1-bedroom units, 100, 2-bedroom units and 23, 3-bedroom units.

The plan includes accessible walking paths and sidewalks throughout the site for residents to access common spaces and amenities within the development such as the Community Building (including fitness room, gathering area, computer center, common laundry and manager's office), pool, picnic areas, barbecue, trash and recycling areas. Additional sidewalk connectivity to the North South Collector Road (Kenolio Road) will be included in the final design.

Associated infrastructure improvements include paved roadways; concrete curbs, gutters and sidewalks; onsite parking, drainage systems, water system, sewer system, underground utilities, irrigation well for landscape planting, and offsite roadway improvements along Kenolio Road fronting a portion of the project site. It is anticipated that the project will be completed in 2017.

#### **Kihei Residential**

The proposed Kihei Residential development is located on the east side of Pi'ilani Highway, north of Kaiwahine Street. The project includes 400 single-family units, 200 multi-family units, 3,000 square feet of commercial areas, 7,000 square feet of offices, and a 10 acre park. The proposed commercial area will allow for business uses, which will provide services for the convenience of the surrounding neighborhoods. Groundbreaking occurred in mid-January 2016. The mixed use development will positively impact the community providing a variety of new housing types within walking distance of small neighborhood commercial area that will provide permanent employment opportunities at the project site in addition to



construction jobs. Construction of the mixed use development will involve development of vacant land, and short-term air and noise impacts. Project site operations will increase local traffic to and from the site, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure. It is anticipated that 25% of the project will be completed by 2025 and full build out will be by 2032.

#### **Krausz Companies Commercial Mixed-Use Development (Downtown Kihei)**

The proposed Krausz Companies commercial mixed-use development (referred as Downtown Kihei) is located along Piikea Avenue between Liloa Drive and South Kihei Road. The project includes 249,450 square feet of retail space, approximately 18,500 square feet of office space, and a 150-room hotel. Related improvements include grading, landscaping, underground utilities, drainage facilities, lighting, vehicle parking, and roadway improvements, including the reconstruction of Piikea Avenue. The mixed use development will positively impact the community providing new commercial, hotel and entertainment space that will provide permanent employment opportunities at the project site in addition to construction jobs. Construction of the mixed use development will involve development of vacant land, and short-term air and noise impacts. Project site operations will increase local traffic to and from the site, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure. The proposed completion is expected by 2025.

#### **Maui Research and Technology Park**

The Maui Research and Technology Park (MRTP) is located in Kihei, Maui, Hawaii. The Park is situated mauka (east) of Pi'ilani Highway and is accessible from Lipoa Parkway. The MRTP encompasses approximately 411 acres owned in fee simple by various land owners. MRTP was established in the 1980's to bring diversification to Maui's economy through investment in high technology. Today the Park has over 180,000 square feet of office space, with over 400 people working at over 20 high technology and professional services companies. The recently approved MRTP Master Plan Update proposes to utilize the principles of New Urbanism and Smart Growth to transform the current, single-use large lot research and technology campus into an integrated and vibrant mixed-use community focused around a regional knowledge-based industry employment base.

The mixed use development will positively impact the community providing new employment and housing opportunities in a compact walkable community. The development will provide permanent employment opportunities at the project site in addition to construction jobs. Construction of the mixed use development will involve development of vacant land, loss of agricultural land, and short-term air and noise impacts. Project site operations will increase local traffic to and from the site, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure.

The park will be developed in two phases. Phase 1, through 2024, will include a mixed-use village center, knowledge-industry employment core, residential neighborhoods, schools and parks. Phase 2, through 2034, will include additional residential development and knowledge industry expansion campuses to the east and south. At build-out, in 2034, the Park will comprise knowledge industry, commercial, and civic uses totaling approximately 2

million square feet together with 1,250 single- and multi-family residences. It is estimated that 60% of the residential units will be single-family and 40% multi-family.

All of the necessary land use entitlements to fully implement the Plan were obtained and key infrastructure improvements are tied to each phase of development and as the improvements are warranted.

#### **Honua'ula Affordable Housing Development**

The proposed Honua'ula affordable housing development is located north of Pi'ilani Promenade. This development will include 125 units of affordable apartments and 125 owner-occupied units. Access to this development will be through East Kaonoulu Street. If construction of the Honua'ula affordable housing development commences prior to the construction of East Kaonoulu Street extension, temporary construction access to this development will be through a driveway off of Ohukai Road. Once the East Kaonoulu Street extension is open, all trips generated by this trip will use East Kaonoulu Street.

The affordable housing development will positively impact the community by providing 125 affordable rental units in Kihei, where housing is identified as major problem in the region. The proposed development will positively impact the economy by providing real property taxes and creating construction jobs. Construction of the affordable housing development will involve development of vacant land, and short-term air and noise impacts. Future residents of the project will increase local traffic to and from the site, increase the demand for drinking water and non-drinking water, and require extension of drinking water and wastewater infrastructure. An Environmental Assessment will be prepared for the proposed affordable housing development in the future to identify the potential impacts of the proposed development. This development is anticipated to be completed by 2025.

#### **Impacts to Natural and Environmental Resources**

~~Assuming all BMPs and mitigation measures documented in this DFEIS are implemented and all permit induced requirements are complied with, no cumulative or secondary impacts are anticipated on the natural environment.~~

**Flora and Fauna.** Development of the Pi'ilani Promenade, together with other area projects, could have cumulative and/or secondary impacts on rare or endangered species of flora and fauna if natural habitats and/or species are directly or indirectly disturbed. As documented in Section III.A.5 of the DFEIS, the Project will not impact rare or endangered flora and fauna species. Adjacent proposed developments will be required to conduct flora and fauna surveys prior to development. These surveys will be reviewed by the U.S. Fish and Wildlife Service and mitigation counter-measures will be required if warranted.

Of the projects listed in Table No. 16, the Downtown Kihei project will preserve 2 man-made wetlands and all of the other project sites do not contain wetlands or critical habitats and are therefore appropriate locations for urban development. The FEIS documents for the MRTP and the Kihei High School indicate that the Applicant will limit tree trimming during the

months of June 1 to September 15. The FEA for the Maui Lu notes the project will provide down shielded lighting to limit light impacts to birds.

In consideration of existing State and Federal regulations to protect rare and endangered species, there should be no significant cumulative and/or secondary impacts to flora and fauna resources arising from planned growth in the area.

**Coastal Water Quality.** Development of the Pi'ilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMPs are not strictly adhered to. During the construction phase, BMPs must be implemented to mitigate runoff of bare soils and other construction contaminants into drainageways and culverts. If not properly mitigated, the cumulative impact of these contaminants could impact coastal water quality.

During the Project's operation phase, any increase in runoff will be maintained on site as required by the County's drainage rules (See: Section III.D.2) Maintaining runoff on-site, together with filtration of contaminants from runoff, will mitigate the Project's impact to coastal waters. Likewise, future developments in the area will be required to implement similar mitigation measures as part of their operation phase BMPs.

The projects listed in Table No. 16a have the following increase in estimated peak runoff identified in their respective applications. Note: Honua'ula affordable housing development application has not been prepared at the time of this FEIS.

**Table No. 16a Other Potential Projects: Drainage**

<u>Development</u>	<u>Increase in Runoff from proposed projects (cubic feet per second, cfs)</u>
<u>Kaiwahine Village</u>	<u>11.15 cfs</u>
<u>Maui Lu Resort</u>	<u>10.6 cfs</u>
<u>Kihei High School</u>	<u>60 cfs</u>
<u>Kenolio Apartments</u>	<u>15.57 cfs</u>
<u>Kihei Residential</u>	<u>96 cfs</u>
<u>Downtown Kihei</u>	<u>10.6 cfs</u>
<u>Maui Research and Technology Park</u>	<u>525 cfs</u>
<u>Honua'ula Affordable Housing Development</u>	<u>unknown</u>
<u>Total</u>	<u>728.92 cfs</u>

The total increase in runoff as a result of the development of projects listed in Table No. 16a is 728.92 cfs. The total runoff amount will be retained by the individual projects in accordance with the Maui County drainage rules.

The specific mitigation measures identified for projects in Table No. 16a vary from above ground landscaped detention basins, underground basins within parking lots and roadways, vegetated swales and landscape planting to reduce the impacts associated with runoff. Water Quality will be maintained by the future drainage systems for surrounding projects including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution.

All surrounding projects will be required to implement the BMP's as required by the County and State. In addition, the Applicant understands that all other projects related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

The Applicant has reviewed the Guidance Document titled, *Stormwater Impact Assessments*, prepared by PBR Hawaii and Associates, Inc. for the Hawaii Office of Planning in May 2013. The purpose of the Guidance Document is to provide guidance on assessing stormwater impacts in the planning phase of project development.

"The Guidance Document suggests incorporating design concepts and mitigation measures into the planning phase of development to achieve compliance with existing ordinances, rules, and regulations. No new regulations are proposed with this Guidance Document."

As noted in the FEIS section V. C. (Drainage) the post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai*

landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Therefore the Project, together with other planned projects in the area, should not have a significant cumulative impact on coastal water quality if construction and operation phase BMPs are strictly adhered to. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16.

**Agricultural Lands.** As documented in Section III.A.10 of the DEIS, the Pi'ilani Promenade is located on State designated Urban land, therefore, the Project is not expected to have a significant cumulative impact upon the long-term viability or growth of agriculture on Maui.

In regards to secondary impacts, urban development can impact agricultural land uses in two ways. First, in certain circumstances, urbanization of agricultural lands can cause agricultural lands prices to go higher making it more cost prohibitive for farmers to buy or lease land to farm. Second, urban development can create use conflicts between farmers and urban residents. In regards to the first issue, the establishment of Urban Growth Boundaries in the Maui Island Plan create more predictable development patterns and this will create more certainty in the urban and agricultural land markets; thereby, mitigating the escalation of agricultural land values. In regards to the second issue, HRS, Chapter 165 "Hawaii Right to Farm Act" protects farmers from lawsuits filed by residents living within close proximity of agricultural operations. Future residents of the Pi'ilani Promenade will continue to be notified prior to the purchase of property that ranching activities will occur on abutting agricultural lands. In addition, the Pi'ilani Promenade will establish landscape planting around the perimeter of the property with a buffer to mitigate potential agricultural use conflicts.

Of the projects listed in table No. 16, the Kihei High School (76 acres), Kihei Residential (94.3 acres), MRTP (102 acres) required a State Land Use District Boundary Amendment from Agricultural to Urban. The total designation of Agricultural land to urban for surrounding developments is 272.3 acres. The 272.3 acres represents 0.098 percent of the approximately 246,000 acres of State Agricultural district lands on the island of Maui. Based on this minimal impact to agricultural lands the Project with other potential projects is not anticipated to have a significant impact on Agricultural resources.

The remaining projects on Table No. 16 are located on land that is Urban and therefore no impacts to Agricultural resources are anticipated.

**Drinking Water Resources.** The development of the Pi'ilani Promenade, together with other area projects, will increase the demand for drinking water. The Applicant is constructing a 1.0 million gallon water tank and supporting infrastructure to provide water for the project and future south Maui water customers. The development of the 1.0 MG water tank will help support the drinking water needs for the future planned growth of South Maui. With these measures in place, significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County's water resources. This 1.0 MG water tank will provide substantially more drinking water source storage than would be required both for the Pi'ilani Promenade Project, and for the Honua'ula affordable housing project, if that project is developed. Other proposed projects will be required to meet the requirements of the Department of Water Supply including but not limited to project specific improvements to the water transmission and storage systems.

**Table No. 16b Other Potential Projects: Water**

<u>Development</u>	<u>Drinking water Demand (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>67,200</u>
<u>Maui Lu Resort</u>	<u>148,800</u>
<u>Kihei High School</u>	<u>185,000</u>
<u>Kenolio Apartments</u>	<u>104,160</u>
<u>Kihei Residential</u>	<u>790,000</u>
<u>Downtown Kihei</u>	<u>48,500</u>
<u>Maui Research and Technology Park</u>	<u>798,065</u>
<u>Honua'ula Affordable Housing Development</u>	<u>210,000</u>
<b>Total</b>	<b>2,351,725 gallons per day</b>

It is estimated that the total drinking water demand for the projects listed in Table No. 16b is 2,351,725 gallons per day. As noted in the FEIS the estimates that 0.421 MGD of groundwater can be allocated from the Iao Aquifer System, therefore all proposed projects in table No. 16b will not be able to utilize drinking water from the Iao Aquifer System. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16b and as development occurs each individual project will need to provide a viable water source. Alternatives considered by the projects in Table No. 16b include but are not limited to drilling wells within the Kamaole Aquifer as a new water source.

**Air Quality.** The cumulative impact of the build-out of the Pi'ilani Promenade, together with other developments in Kihei, will increase the amount of pollutants entering the atmosphere. These pollutants will be generated by an increase in demand for energy in the form of transportation fuels for automobiles and carbon-based fuels to power the Ma'alaea Power Plant. Of the projects listed in Table No. 16, the Kihei High School and MRTP had air quality analysis conducted as part of their EIS documents. All other projects listed in table

No. 16 do not have an analysis to quantify air quality impacts. The conclusion of the MRTTP and Kihei High School air quality reports is that implementing any air quality mitigation measures is unnecessary and unwarranted since the worst-case scenario carbon monoxide concentrations are projected to remain well within air quality standards.

**Noise Quality.** The cumulative impact of the build-out of the Pi'ilani Promenade, together with other developments in Kihei, will increase the amount of noise generated primarily from vehicles. Of the projects listed in Table No. 16, the Kihei High School, MRTTP and Honua'ula Affordable housing development had noise quality analysis conducted as part of their EIS documents. The Honua'ula impacts were analyzed as part of the Project FEIS. All other projects listed in table No. 16 do not have an analysis to quantify noise quality impacts. The recommended mitigation measures for the MRTTP and Honua'ula Affordable housing development is to place noise sensitive buildings adequately setback from roadways. The Kihei High School is setback at least 650 feet from Piilani Highway, where future noise levels are predicted to be acceptable at less than 55 DNL.

#### **Impacts to the Socio-Cultural Environment**

The development of the Pi'ilani Promenade, together with other developments in Kihei, will increase population, create jobs, and generate tax revenues. Together, these projects will also increase the demand for housing and place increasing demands on infrastructure and public facility systems both locally and island-wide.

Of the projects listed in Table No. 16, the Kihei High School, Downtown Kihei projects are not proposing residential development. The activities of the School and the Downtown projects will require a population of students and teachers and employee and customers, however these facilities will serve people who already live in Kihei and are not expected to be population generations. The Maui Lu project and Honua'ula Affordable housing development are required to provide a total of 404 affordable units in the Kihei Makena plan region. It is unknown at this time what the unit size is for these two projects.

**Table No. 16c Other Potential Projects: Population**

<b><u>Development</u></b>	<b><u>Estimated population</u></b>
<u>Kaiwahine Village</u>	<u>360</u>
<u>Maui Lu Resort</u>	<u>154 affordable units, population not estimated in report</u>
<u>Kihei High School</u>	<u>0</u>
<u>Kenolio Apartments</u>	<u>498</u>
<u>Kihei Residential</u>	<u>1,800</u>
<u>Downtown Kihei</u>	<u>0</u>

<u>Maui Research and Technology Park</u>	<u>2,756</u>
<u>Honua'ula Affordable Housing Development</u>	<u>250 affordable units, population not estimated</u>
<b><u>Total</u></b>	<b><u>5,414 people</u></b>

Of the projects listed in Table No. 16c that provided population estimates, the following projects are estimated to generate 5,414 more people living in Kihei.

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

**Table No. 16d Other Potential Projects: Housing**

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms &amp; 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>
<u>Maui Research and Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/ Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<b><u>Total</u></b>	<b><u>Single Family</u></b>	<b><u>1,150 SF units</u></b>
	<b><u>Multi Family</u></b>	<b><u>1,410 MF units</u></b>
		<b><u>2,560 total units</u></b>



The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

The continued build-out of Kihei will also change the area's urban design character and sense of place. Today, Kihei is a developing community with a number of undeveloped infill parcels intermixed with lower and medium-density residential, strip commercial, industrial, resort and public facility uses. In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together. An increase in population, including population created by the Pi'ilani Promenade, may increase demand for coastal and inland active and passive recreation lands. The County's Infrastructure and Public Facilities Issue Paper (September 2007) recommends a pro-active public-sector strategy to acquire additional shoreline and inland park lands to accommodate the increasing demand for recreation and shoreline-based cultural activities. MCC Title 18.16.320 requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

Of the projects listed in Table No. 16e the Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 which requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

**Table No. 16e Other Potential Projects: Recreation Facilities**

<b>Development</b>	<b>Parks Contribution</b>
<u>Kaiwahine Village</u>	<u>0</u>
<u>Maui Lu Resort</u>	<u>0</u>
<u>Kihei High School</u>	<u>0</u>
<u>Kenolio Apartments</u>	<u>0</u>
<u>Kihei Residential</u>	<u>On site park with restrooms and parking will be provided</u>
<u>Downtown Kihei</u>	<u>0</u>
<u>Maui Research and Technology Park</u>	<u>On site parks and open space will be provided</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Cash-in-lieu fee to be paid to Maui County</u>

The Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 and will therefore mitigate potential recreational impacts by providing park space in Kihei-Makena region.

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business /commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

The Applicant's for each proposed project will be required to comply with mitigation measures as mandated by County and State law.

#### **Infrastructure and Public Facilities**

The build-out of the Pi'ilani Promenade, together with other developments in Kihei, will increase population; thereby, increasing the demand for infrastructure and public facility systems, including water, wastewater, and roadways; solid waste, schools, and parks; and medical facilities, public transit and government offices. The County's Infrastructure and Public Facilities Issue Paper (September 2007) documents the impact of projected population growth on the County's infrastructure and public facility systems by region and identifies associated capital improvement projects to support this growth.

The TIAR update prepared for the project has examined and evaluated traffic impacts of the project, as well as the other potential projects identified on Table No. 16f. The projected trip generation impact of these projects is presented in table 10 in the TIAR update. As noted in the TIAR, these projects have been included in the traffic analysis, however some projects are in the planning and entitlement phase and for various reasons may not be constructed within the estimated completion date of this project.

**Table No. 16f Other Potential Projects: Traffic**

<u>Development</u>	<u>Trip Generation AM</u>	<u>Trip Generation PM</u>
<u>Kaiwahine Village</u>	<u>66</u>	<u>80</u>
<u>Maui Lu Resort</u>	<u>316</u>	<u>363</u>
<u>Kihei High School</u>	<u>693</u>	<u>215</u>
<u>Kenolio Apartments</u>	<u>103</u>	<u>127</u>
<u>Kihei Residential</u>	<u>616</u>	<u>737</u>
<u>Downtown Kihei</u>	<u>230</u>	<u>393</u>
<u>Maui Research and Technology Park</u>	<u>2120</u>	<u>1713</u>
<u>Honua'ula Affordable Housing Development</u>	<u>127</u>	<u>158</u>
<u>Total</u>	<u>4271</u>	<u>3786</u>

Of the projects listed in Table No. 16f the estimated traffic generation is 4,271 trips in the morning and 3,786 trips in the afternoon. The proposed traffic mitigation measures for the other potential developments are provided in Section D. 1 (Roadways) of the FEIS.

**Table No. 16g Other Potential Projects: Wastewater**

<u>Development</u>	<u>Wastewater (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>76,500</u>
<u>Maui Lu Resort</u>	<u>116,500</u>
<u>Kihei High School</u>	<u>210,000</u>
<u>Kenolio Apartments</u>	<u>47,430</u>
<u>Kihei Residential</u>	<u>935,000</u>
<u>Downtown Kihei</u>	<u>177,800</u>
<u>Maui Research and Technology Park</u>	<u>1,850,000</u>
<u>Honua'ula Affordable Housing Development</u>	<u>63,750</u>
<u>Total</u>	<u>3,476,980</u>

Of the projects listed in Table No. 16g the estimated wastewater generation is 3,476,980 gallons per day and the available capacity at the KWWRF is approximately 4.6 million gallons per day, therefore the total of other developments listed can be accommodated.

Other developments will be required to pay assessment fees also and mitigate impacts to the County sewer and maintain system service.

Sewage generated by the Project will be treated at the KWRF. As indicated by the County DEM, wastewater capacity is available for the project. The Applicant will be required to make system improvements at the time of service and applicable assessment fees will be required.

As documented in Section III.D of the DEIS, the Piilani Promenade will mitigate its impact on infrastructure and public facility systems through a variety of on- and off-site infrastructure and public facility counter-measures. One such counter measure, as documented in Section III.D.3 of the DEIS, is the development of a 1.0 MG drinking water storage tank to provide drinking water storage to accommodate the cumulative impact of projected population growth. Property taxes generated by the development, together with other planned projects in the area, will help fund County operations and capital improvement projects.

The mitigation of other projects potential adverse cumulative impacts resulting from infrastructure use will be provided during the course of development by providing additional facilities on-site and offsite such as park facilities, stormwater management, and water. Mitigation measures will also include required contribution of impacts fees such as school, traffic and wastewater.

The projects listed in Table No. 16 represent future potential developments identified, however the timeframe for these projects are dependent upon individual entitlement processes and market conditions which are not linked to the proposed Piilani Promenade project. It is in this context that Maui County has processes and mechanisms to ensure that mitigation measures attributable to cumulative impacts are provided.

#### **Cumulative Impacts of Honua'ula Affordable Housing Development**

The Preliminary Engineering Report (PER) was developed to address the engineering issues and impacts associated with the Promenade project in terms of utility service, drainage, access, grading and other aspects of site development. It is important to remember that the final subdivision map creating both the Promenade and Honua'ula Partners LLC (HPL) parcel was required to provide adequate utility service to each lot (water, sewer, electrical, etc.). The subdivision map and associated civil construction plans provide for all of these services for each lot including the HPL parcel. All of the drainage work done to date has been completed to address the on and off site infrastructure development needed to serve all of the parcels including HPL. The Promenade PER specifically addresses the drainage concerns associated with development of that project only while the HPL parcel, when developed, will need to comply with the County of Maui drainage requirements as a separate project not impacting the assumptions already addressed in the subdivision and Promenade PER documents.

In addition to the above the HPL parcel is owned by a separate entity with development timing subject to both Chapter 343 compliance and processing of a Motion to Amend with the Commission. Therefore, its development timing is uncertain and there are no specific

development plans yet developed to provide a basis for PER analysis other than the number of units.

AIS: the AIS includes the Honua'ula affordable housing development parcel in its Survey and no Historical Sites were identified on this project parcel outside of the Piilani Promenade.

CIA: The CIA included the Honua'ula parcel in its Assessment. Drainageway "A" was noted by some interviewees as having cultural importance however the CIA concludes that:

"Given the input received through the consultation process and a review of the archaeological data gathered in the project AIS we cannot conclude the minor drainageway "A" discussed within the project documents or consultation discussions has any relevant cultural significance. As part of the data recovery process proposed for the project area further information may reveal more about this drainage way and possible significance."

In addition SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

PER: The PER does not identify the drainage and electrical impacts of the Honua'ula affordable housing development yet that parcel will be served by all major utility connections already established and shown in the subdivision improvement plans and all infrastructure has been sized to reflect the buildout of both Piilani and Honua'ula affordable housing development. Honua'ula's affordable housing development electrical requirements will be served from the new MECO substation and any drainage by Honua'ula affordable housing development will be required to meet Maui County Standards. The Applicant calculated the estimated Drinking Water Demand for both Piilani and Honua'ula affordable housing development by using Maui County Code Standards.

TIAR: The estimated Traffic generated by Honua'ula affordable housing development were analyzed as part of the TIAR update by SSFM. This traffic along with other background

growth was used to understand the impacts of other projects, along with the proposed Piilani project.

ECON: The Study did not measure other projects economic impacts. The Study mentions the Honua'ula Affordable housing project in 2 places related to affordable housing. The statement is made that 125 units of the 250 will be rental with the remainder owner occupied. The positive social impact of the Affordable Housing Development can be identified in the FEIS.

Waimea Water Services Report: The irrigation well is located on Honua'ula Affordable Housing project parcel and will provide the water for construction dust control and temporary irrigation for the both Piilani and Honua'ula affordable housing development. The Waimea water services report has determined that during a test pumping of a well in the same area as the on property well, there was no change in the water level and quality at 3 observation wells. In addition the report noted that three irrigation wells are located downstream of the property, all of which are located at a distance of over 3000 feet from the well and it is the conclusion of the Waimea water services report that it is unlikely the proposed irrigation well will impact downstream irrigation wells.

Air Quality: The Air Quality Study included the Honua'ula affordable housing development, however the affordable project is separated from the Piilani Promenade project. Additionally, the essential data used for the air quality analysis is the data finalized within the TIAR update which includes the impacts of the Honua'ula affordable housing development. As previously mentioned, based on the review of the TIAR Update dated December 2016 it is the opinion of the air quality consultant that re-analysis of the project air quality impacts due to project traffic would not yield significantly different results and the conclusions stated in the air quality study of August 2014 remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

Noise Study: Based on the review of the TIAR Update dated December 20, 2016 it is the opinion of the Acoustic Study consultant that any potential adverse noise impacts at the Honua'ula affordable housing project can be compared to the potential noise impacts as follows:

There should be less exposure to noise from the Piilani Promenade project's noise source since on the south side of the Honua'ula affordable housing project will face the Piilani Promenade business/commercial activities;

Piilani Promenade traffic on E. Kaonoulu Street fronting the Honua'ula affordable housing project should be less than Piilani Promenade traffic on E. Kaonoulu Street fronting the Piilani Promenade's 226 residential units. Total predicted traffic noise in 2032 at the Honua'ula affordable housing project should also be less than the 59 to 61 DNL predicted at the Piilani Promenade's 226 residential units. (See: Appendix E-2 "Acoustic Study dated January 23, 2017")

**Shared infrastructure Irrigation Well:** The irrigation well is intended to serve both the Piilani and HPL parcels and is designed to do so with the irrigation system located for future connection by all parcels. Additionally, this private system has been designed for conversion to reclaimed water when that service is available from the County of Maui consistent with the zoning conditions for the parcel.

**Kihei Up-Country Highway:** The Piilani Promenade will construct the increment of the Kihei/Upcountry Highway from its intersection with the Piilani Highway through to the eastern boundary of the property serving all four parcels with a fully improved roadway section including major utilities, drainage, off road bicycle and pedestrian paths, roadway and landscaped shoulders and median strips.

**Utilities:** The improvements proposed by Piilani Promenade will provide full utility service to all parcels in the subdivision including the HPL parcel. Water, sewer, electrical, roadway drainage will all be provided per the subdivision construction plans.

#### **Secondary impacts**

Secondary impacts are those that have the potential to occur later in time or farther in the future, but which are reasonably foreseeable. They can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing transportation impediments to growth.

Secondary impacts could also result from investments into infrastructure and public facility improvements to support the Project. For example, development of the KUH could induce further growth mauka of Pi'ilani Highway. As documented in Section III.D.1 of the DEIS, development mauka of Pi'ilani Highway is supported by the Maui Island Plan. The future growth of the KUH outside of the project area is unknown at this time.

While the project is anticipated to add to the resident population, the proportion of in-migrants is expected to be modest given the demand for apartment rental housing in Kihei. As previously noted, the project will result in construction-term expenditures, wages and taxes. Real property taxes will contribute to the County's revenue tax base to support the increase in public services. The project is not anticipated to have a significant adverse impact on the physical environment. As previously noted, no adverse impacts to historic properties, or rare threatened or endangered species are anticipated. Necessary infrastructure systems and services can be reasonably provided to serve the project. The proposed action is not anticipated to result in significant adverse secondary impacts.

#### **LUC Comment 4.**

*In accordance with section 11-200-17(j), HAR, a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity should be provided. We acknowledge that the DEIS includes a section addressing this relationship. However, we request that the impacts and potential benefits be quantified to better assess the extent to which the proposed development involves trade-offs*

*among short-term and long-term gains and losses, forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.*

**Response 4:** In response to comments regarding the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity, the FEIS Section V. A. (relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity) has been revised to include the following language.

In response to comments from the LUC and in accordance with section 11-200-17(j), HAR, a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity is provided in the context of the four specific areas of concern. Construction activities would result in short-term impacts involving temporary and permanent alteration of land for grading, site work, infrastructure and building. Localized degradation of air quality and increased noise levels would also occur in the short-term due to construction-related activities. Many short-term impacts can be avoided or mitigated by implementation of construction Best Management Practices (BMPs). Applicable BMPs include implementing erosion control measures, directing storm water run-off to detention/retention basins, and preventing the release of fuel or other contaminants. The tradeoffs among these short-term impacts are the increase in employment and immediate economic benefits of construction-related activities. These short-term impacts and benefits are documented in Section III.B. 3 of the FEIS.

In the long-term, the infrastructure and building construction associated with the Pi'ilani Promenade would facilitate the diversification of Maui's economy. Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan.

Ultimately, the long-term build-out of the Pi'ilani Promenade will produce impacts that must be weighed against the Project's benefits. Increased development will lead to an increase in population of the immediate area, whether in the form of residents living within the Pi'ilani Promenade or employees commuting to the Pi'ilani Promenade during regular business hours. With the projected population increases, the volume of traffic coming in and out of the Pi'ilani Promenade will increase. This will affect regional traffic conditions by increasing volumes on the region's existing roadway network. As documented in Section III.D.1 of the DEIS, creative strategies involving roadway improvements and upgrades, transportation demand-management counter-measures, and innovative urban design approaches are required to mitigate the Project's traffic impact. Likewise, an increase in population will produce greater demands upon the island's drinking water resources, wastewater systems and public facilities including parks, schools, police and fire. These impacts and the necessary mitigation counter-measures are thoroughly documented in Sections III.C and D of the DEIS.

With regard to long-term productivity, this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project with employment opportunities in close proximity. Implementation



of this vision will require a broadening of the development standards to allow a variety of lots sizes for the use of smaller firms and, professional services, restaurants, neighborhood serving retail, and housing.

The proposed Pi'ilani Promenade project will create jobs both temporary construction jobs and permanent long term employment. The economic impacts associated with the short and long-term implementation of the Pi'ilani Promenade are thoroughly documented in Section III.B.3 of the DEIS.

**Forecloses future options:** Development of the Piilani Promenade would reduce future development options for the property, however the project has been designed to allow for a mix of uses including Light Industrial, commercial/business, and multi-family. This mix of uses will provide the flexibility to accommodate the desired businesses for the growing South Maui community.

**Narrows the range of beneficial uses of the environment:** The proposed project would reduce the amount of land available for ranching by 68.19 acres of land. The property is poorly suited for agriculture and the Flora and Fauna reports did not identify any critical habitats such as wetlands on the property. The proposed project will include construction of a portion of a new Kihei-Upcountry Highway, rental housing, a location for a 1.0 Million gallon water tank and MECO substation to help provide housing, water storage, transportation and power to the growing South Maui Community.

**Long-term risks to health and safety:** The project is not expected to pose any such risk. The developer will comply with Federal, State and County regulations pertaining to grading codes, building codes, environmental health, etc. to ensure that risk to health and safety will be limited. No hazardous materials have been identified.

#### ***LUC Comment 5.***

*In accordance with section 11-200-17(k), HAR, a description of all Irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented should be included. We acknowledge that the DEIS includes a section addressing this requirement albeit in a very generalized manner. We request that at a minimum, this discussion quantify the various commitments to more fully disclose the extent of such commitments of resources.*

**Response 5:** In response to comments regarding the irretrievable commitments of resources, the FEIS Section V. B. (irretrievable commitments of resources) has been revised to include the following language.

In response to comments from the LUC, the commitment of resources will be provided by the Applicant. The Applicant will finance the construction of the project with private funds. The following responses quantifies the Applicant's commitment of resources as a result of the proposed project.

Land: the project site development parcels and roadway widening lots total 74.871 acres of land that will be irretrievable.

Labor: Construction is estimated to provide 878 “worker years” of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period.

Construction materials: The cost of the project is estimated in Table No. 1a of the FEIS and the infrastructure for the project is estimated to cost approximately \$22 million dollars, the estimated vertical construction cost for Phase 2 is \$74,000,000.00 and Phase 3 is estimated at \$118,250,000.00.

Energy: The project is estimated to utilize 6,250 kVA of electricity. MECO will supply electricity to the project site and has been provided a lot within the proposed development to construct a new MECO substation to provide stable power to the project site and future development in the area.

There will be a permanent commitment of funds and resources from the developer to design, construct and operate the project.

#### **LUC Comment 6.**

*In accordance with section 11-200-17(m), HAR, mitigation measures proposed to avoid, minimize, rectify, or reduce impact, should be considered in the DEIS. We acknowledge that various mitigation measures to address potential impacts of the proposed development are discussed throughout the DEIS. However, we suggest that for ease of reference the DEIS include a separate and distinct section that collectively includes an enumeration of each potential impact and the corresponding mitigation measure(s). The basis for why a particular measure was selected and the timing of its implementation in the process should be described here as should the proposed provisions to ensure that each measure will be undertaken.*

**Response 6:** In response to comments regarding the potential impacts and mitigation measures, the FEIS Section II.H (Potential Impacts and Mitigation Measures) has been revised as follows:

At the request of the LUC, the following section has been provided to identify the potential impact and the corresponding mitigation measure(s). The basis for why a particular measure was selected and the timing of its implementation in the process should be described here as should the proposed provisions to ensure that each measure will be undertaken.

## **1. TOPOGRAPHY AND SOILS**

**Potential Impact:** Potential impacts to the land form include routing Drainageway “A” to the future East Kaonoulu Street right of way as part of the overall drainage system. Additional impacts may include soil erosion and the generation of dust during construction. Clearing and grubbing activities will temporarily disturb the soil retention values of the existing vegetation and expose soils to erosion forces. Some wind erosion of soils could occur without a proper watering and re-vegetation program.

**Mitigation Measures:** As part of the overall drainage master plan, Drainageway “A” will be routed to the East Kaonoulu Street right of way with no increase in flow and will terminate at the existing culverts routing the system under and makai of the Pi’ilani Highway. This change will not increase the quantity of drainage water traveling through this system or downstream.

During site preparation, storm runoff from the site will be controlled in accordance with the County’s “Soil Erosion and Sediment Control Standards”. Typical mitigation measures include appropriately stockpiling materials on the site to prevent runoff, temporary detention, and commencing building construction and/or establishing landscaping as early as possible in order to minimize the length of exposure of disturbed soils. After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control.

**Why Mitigation Measures were selected:** Drainageway “A” is proposed to be routed underground to the East Kaonoulu right of way as part of the drainage system improvements in order to accommodate the grade changes necessary for East Kaonoulu Street and develop the property as proposed. Maui County’s “Soil Erosion and Sediment Control Standards” are the recommended mitigation measures for site preparation and stormwater runoff prevention.

**Timing of Implementing Mitigation Measures:** The proposed mitigation measures will be implemented during Phase 1 site work which will begin upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** Construction activities on the property will comply with all applicable Federal, State, and County regulations and rules for erosion and sediment control. Prior to the issuance of a grading permit, a final erosion control plan and best management practices will be submitted to the County of Maui for review and approval. All construction activities will comply with the provisions of Chapter 11-60.1, Hawaii Administrative Rules (HAR), Section 11-60.1-33, pertaining to Fugitive Dust.

## 2. NOISE QUALITY

**Potential Impact:** The Acoustic Study reports that the proposed extension of Kaonoulu Street mauka of Piilani Highway will increase the existing background ambient noise levels along the center portion of the Project site. Through project build-out in CY 2032, noise levels at the Project's planned residential buildings fronting Kaonoulu Street should not exceed the 65 DNL federal standard or the State DOT 66 Leq noise abatement criteria, as long as the residential buildings are located at least 51 feet from the centerline of Kaonoulu Street.

**Mitigation Measures:** Based on the best available traffic forecasts available for future conditions following completion of the Upcountry Highway, a setback distance of 70 feet from the centerline of Kaonoulu Street is required for 65 DNL and 66 Leq to not be exceeded at these residential buildings. The Project site will be designed such that rental residential uses within the Project are located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the Project site.

**Why Mitigation Measures were selected:** This mitigation measure of providing an ample setback from the roadway was selected in lieu of constructing a sound attenuating wall along the Kihei Upcountry Highway to reduce noise impacts to residences.

**Timing of Implementing Mitigation Measures:** DOH Community Noise Permit will be applied for upon approval of the Motion to Amend by the LUC and prior to the start of Phase 1 site work. The construction of the residential units is proposed as part of Phase 2.

**Provision to ensure that each measure will be undertaken:** The project will comply with State Department of Health noise regulations for construction activities. As stipulated by DOH permit requirements, noise-generating construction activities are not allowed on Sundays and holidays, during the early morning, and during the late evening and nighttime periods.

### **3. ARCHAEOLOGICAL RESOURCES**

**Potential Impact:** Loss of historical sites identified on the property.

**Mitigation Measures:** Preparation of an Archaeological Data Recovery Plan and Archaeological Monitoring Plan.

**Why Mitigation Measures were selected:** The plans were recommended by the SHPD.

**Timing of Implementing Mitigation Measures:** The Archaeological Data Recovery Plan was received by the SHPD on June 17, 2016 and is under review. Prior to ground disturbing activities a project specific Archaeological Monitoring Plan will be prepared following the results of SHPD's review of the Data Recovery Plan.

**Provision to ensure that each measure will be undertaken:** DLNR, SHPD has required a preservation plan and Archeological monitoring plan per the AIS acceptance letter dated January 6, 2016.

#### **4. GROUNDWATER RESOURCES**

**Potential Impact:** Hydrologic impact to the Iao Aquifer from withdrawal of 171,000 gpd of drinking water and impact to the Kamaole Aquifer from withdrawal of 81,000 gpd of non-drinking water for irrigation.

**Mitigation Measures:** The CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd, and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

The CWRM approved an irrigation well permit for a well built in 2011 at a wellhead elevation of 118 feet. The well has the capacity to produce 216,000 gpd of non-drinking water from the Kamaole Aquifer, and a permanent pump with an additional capacity of 150 gpm has since been installed, but is not currently in use. In addition, the Applicant is required to provide for a future connection to the County reclaimed water system that would eliminate the need for the brackish irrigation well.

**Why Mitigation Measures were selected:** Three 3-inch domestic water meters have been approved by the County DWS and are available for the Project. The issuance of water meters for the Project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The irrigation well was approved, and when the Maui County reclaimed water system is expanded to the Project site, the Applicant will connect to the system in compliance with the condition imposed by the County in connection with obtaining the current zoning designation.

**Timing of Implementing Mitigation Measures:** The domestic water meters will connect to the County water system during Phase 1. The irrigation well will be utilized during Phase 1 site work and there is no established timetable for connection to the County reclaimed water system.

**Provision to ensure that each measure will be undertaken:** The Applicant is required to provide for a future connection to the County reclaimed water system is a condition of County zoning for this project (Ordinance 2772, May 25, 1999). In the future, connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

#### **5. RECREATION FACILITIES**

**Potential Impact:** Incremental impact that new development places upon the region's park facilities.

**Mitigation Measures:** The Pi'ilani Promenade is anticipated to positively impact recreational facilities by providing an approximately 2-acre park site adjacent to the proposed 226 apartments.

The Applicant met with the County Department of Parks & Recreation on March 13, 2015 to discuss how the parks and playgrounds assessment requirements for the proposed Pi'ilani Promenade can be satisfied in accordance with MCC Section 18.16.320. As a result of the meeting, the Applicant is proposing the following general changes to the on-site park space:

1. Inclusion of active play space and facilities within the park areas;
2. Inclusion of parking for park users; and
3. Possible reconfiguration of the park acreage to create a more contiguous park area.

Additionally, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off-street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options other than vehicular access, the Pi'ilani Promenade includes a pedestrian and bike pathway system adjacent to and within the Project site, as shown in Figure 15 "Conceptual Circulation Plan". The red bike lane shown in Figure 15 is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the Project site and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the Project site.

**Why Mitigation Measures were selected:** The requirements for Parks and Playgrounds, pursuant to MCC Section 18.16.320, are required by the County of Maui.

**Timing of Implementing Mitigation Measures:** The Applicant proposes to construct the park space in conjunction with the multi-family units as part of Phase 2 development.

**Provision to ensure that each measure will be undertaken:** The Applicant will comply with the requirements for Parks and Playgrounds, pursuant to MCC Section 18.16.320. The park assessment requirements are designed to mitigate the incremental impact that new development places upon the region's park facilities.

## **6. SCHOOLS**

**Potential Impact:** Increase in student population

**Mitigation Measures:** Payment of the DOE school impact fee to contribute to future South Maui school facilities.

**Why Mitigation Measures were selected:** The Project site is not a preferred location for a school site, therefore the contribution of a fee is anticipated.

**Timing of Implementing Mitigation Measures:** Upon approval of the Motion to Amend by the LUC and prior to grading or building permits for Phase 2 and 3 developments.

**Provision to ensure that each measure will be undertaken:** In 2007, the Hawaii Legislature enacted Act 245 as Section 302A, HRS, "School Impact Fees".

## **7. ROADWAYS**

**Potential Impact:** The Project will generate 564 new trips during the morning peak hour, 2,482 new trips during the afternoon peak hour and 2,651 new trips during the Saturday peak hour.

**Mitigation Measures:** Consistent with previously approved subdivision plans for the Project site, the TIAR recommends the following mitigation measures to be constructed by the Applicant at the intersection of Piilani Highway and Kaonoulou Street as part of the Piilani Promenade:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

**Why Mitigation Measures were selected:** Recommendations of the TIAR.

**Timing of Implementing Mitigation Measures:** Upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** TIAR with mitigations will be approved by the DOT.

## **8. DRAINAGE**

**Potential Impact:** Hydrologic impact on downstream properties.

**Mitigation Measures:** Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation. Underground detention chambers located on the southern portion of the Project site and an open detention pond located in the northern portion of the Project site will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels. Once the stormwater detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow.

**Why Mitigation Measures were selected:** Compliance with County engineering standards and the recommendation of the Project Civil Engineering Preliminary Drainage Report.

**Timing of Implementing Mitigation Measures:** Upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** The drainage system is required to be built in compliance with Maui County's Drainage Rules.

## **9. WATER**

**Potential Impact:** The Project is estimated to consume on average of 252,000 gpd at full build-out, including 171,000 gpd of drinking water for domestic uses.

**Mitigation Measures:** The proposed Project will connect to the existing County water system for drinking water. At the request of the DWS, the Applicant agreed to construct a 1.0 MG water storage tank to serve the future needs of the Project and South Maui. Three 3-inch domestic water meters have been approved and are available for the Project. The combined flow capacity of these meters is 1,050 gpm, which exceeds the approximately 600 gpm of required flow capacity for the Project. Therefore, there will be adequate flow capacity to build out the Project. Consequently, no additional drinking water sources beyond the County-issued water meters are anticipated in order to construct and operate the Pi'ilani Promenade.

**Why Mitigation Measures were selected:** Consultation with DWS led to the request for construction of the 1.0 MG water tank as an alternative to source development. Additionally, the 1.0 MG water tank is part of the previously approved subdivision plans.

**Timing of Implementing Mitigation Measures:** 1 MG water tank and other water related infrastructure will occur during Phase 1 upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** As part of the final subdivision approval for the project site the required drinking water improvements are listed.



## **10. RELOCATION OF COUNTY WATERLINE**

**Potential Impact:** Relocating the 36-inch diameter high pressure waterline could disrupt water service during improvement work.

**Mitigation Measures:** Previously approved DWS construction plans for the relocation work include a bypass line, comprehensive site preparation work, and disconnect/connection during non-peak hours.

**Why Mitigation Measures were selected:** The current location of the County line crosses diagonally through Project site, restricting use of land over water line alignment. The proposed high pressure waterline relocation was coordinated with the DWS and the construction plans have been approved.

**Timing of Implementing Mitigation Measures:** Waterline relocation will occur in Phase 1, upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** The proposed high pressure waterline relocation has been approved by the Department of Water Supply (DWS) and will be constructed in accordance with the rules and regulation of the department.

## **11. SOLID WASTE**

**Potential Impact:** Solid Waste generated from the Project will contribute towards the use of the Central Maui Landfill.

**Mitigation Measures:** A solid waste management plan will be coordinated with the County Solid Waste Division for the disposal of onsite and construction-related waste material. The Applicant will work with the Project contractor to minimize the amount of solid waste generated during construction. In addition, the Project will provide on-site recycling opportunities in an effort to reduce solid waste entering the landfill. The County Solid Waste Division anticipates that additional phases of the Central Maui Landfill will be developed as needed to accommodate future waste, including waste generated by the Project.

**Why Mitigation Measures were selected:** A solid waste management plan is the recommended for construction projects. Providing the on-site recycling opportunities within the Pi'ilani Promenade site is a measure that will support waste diversion.

**Timing of Implementing Mitigation Measures:** Solid waste will be an ongoing impact of the project and the solid waste management plan will be implanted at the start of construction which is expected to begin upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** The Applicant is required to comply with the rules of the County of Maui Department of the Environmental Management as it relates to solid waste.

## **12. WASTE WATER**

**Potential Impact:** Development of the Project will generate 114,000 gpd of wastewater.

**Mitigation Measures:** The Applicant will pay the Regional Wastewater Treatment System Facility Expansion Assessment Fee for treatment plant expansion, which is currently assessed at \$4.65 per gallon of Project flow. The Pi'ilani Promenade will be assessed approximately \$530,100 for the 114,000 gpd of anticipated wastewater flow. The Project will connect to the existing County sewer system.

**Why Mitigation Measures were selected:** The Regional Wastewater Treatment System Facility Expansion Assessment Fee is required by the Department of Environmental Management.

**Timing of Implementing Mitigation Measures:** Sewer systems improvements are proposed as part of Phase 1 and would start upon approval of the Motion to Amend by the LUC.

**Provision to ensure that each measure will be undertaken:** The Wastewater Reclamation Division of the Maui Department of Environmental Management reports that available capacity at the KWWRR is approximately 4.6 million-gallons-per-day (mgd) of out 8.0 mgd total treatment capacity based on measured average daily flows. As such, there should be ample treatment capacity available to accommodate the 114,000 gallon (0.1 mgd) daily wastewater flow which the Pi'ilani Promenade project is expected to generate at full development.

## **13. ELECTRICAL**

**Potential Impact:** MECO has advised that the existing 12 kV system, based on current electrical use growth projections, does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Pi'ilani Promenade development plan.

**Mitigation Measures:** MECO is planning a new substation to provide the additional capacity needed to accommodate further growth in the Kihei and South Maui area.

**Why Mitigation Measures were selected:** The need for a substation in this area of Kihei was a requirement of MECO to continue to provide electrical needs the growth in the Kihei and south Maui areas.

**Timing of Implementing Mitigation Measures:** MECO plans to have the substation built by the fall of 2017.

Provision to ensure that each measure will be undertaken: MECO is moving forward to construct the substation and has informed the LUC that MECO intends to apply for and obtain all necessary permits to complete the substation by the fall of 2017.

***LUC Comment 7.***

*In accordance with section 11-200-17(o), HAR the identity of the persons, firms, or agency preparing the document should be disclosed. This would include the preparers of the actual DEIS/FEIS itself and the authors/firms of the specific studies/reports. This listing may be incorporated within Chapter VIII entitled Consultation and Review.*

**Response 7:** In response to comments regarding the document preparation, the FEIS Section VII. (Consultation and Review) has been revised as follows:

The following consultants prepared technical studies in preparation of the Draft and Final Environmental Impact Statements.

**Primary Consultant / Planner**

Chris Hart & Partners, Inc.  
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Contact: Mr. Jordan E. Hart (808.242.1955)

**Traffic**

Phillip Rowell and Associates  
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**SSFM International Inc.**

501 Sumner Street, Suite 620, Honolulu, Hawaii 96817  
Contact: Ms. Cheryl D. Soon (808.531.1308)

**Civil Engineering**

Warren S. Unemori Engineering, Inc.  
2145 Wells Street, Suite 403, Wailuku, Hawaii 96793  
Contact: Mr. Darren Unemori (808.249.6903)

**Market & Econometric Analysis**

The Hallstrom Group, Inc.  
1003 Bishop Street, Suite 1350, Honolulu, Hawaii 96813  
Contact: Mr. Tom W. Holliday (808.526.0444)

**Water**

Marine Research Consultants, Inc.  
1039 Waakaua Pl., Honolulu, Hawaii 96817  
Contact: Mr. Steve Dollar (808.988.5009)

Waimea Water Services, LLC.  
65-1206 Mamalahoa Hwy., 1-206, Kamuela, Hawaii 96743  
Contact: Mr. David Barnes (808.885.5941)

Botanical & Fauna  
Robert W. Hobdy Environmental Consultant  
Kokomo Road, Haiku, Hawaii 96708  
Contact: Mr. Robert W. Hobdy (808.573.8029)

Archaeology  
Xamanek Researches, LLC  
P.O. Box 880131, Pukalani, Hawaii 96788  
Contact: Mr. Erik Fredericksen (808.572.6118)

Cultural  
Hana Pono, LLC  
P.O. Box 2039, Wailuku, Hawaii 96793  
Contact: Mr. Keli'i Tau'a (808.573.1643)

Scientific Consultant Services Inc.  
1347 Kapiolani Blvd., Suite 408, Honolulu, HI 96814  
Contact: Ms. Cathleen A. Dagher (808.597.1182)

Environmental  
Malama Environmental, LLC  
P.O. Box 880487, Pukalani, Hawaii 96788  
Contact: Mr. John S. Vuich, M.S. (808.573.0200)

Geotechnical Engineering  
Fewell Geotechnical Engineering, LTD.  
360 Papa Place, Suite 103, Kahului HI, 96732  
Contact: Mr. Alan Shinamoto, P.E. (808.873.0110)

Air Quality  
B.D. Neal & Associates  
P.O. Box 1808, Kailua-Kona, Hawaii 96745  
Contact: Mr. Barry Neal (808.329.1627)

Acoustic  
Y. Ebisu & Associates  
1126 12<sup>th</sup> Avenue, Room 305, Honolulu, Hawaii 96816  
Contact: Mr. Yoichi Ebisu (808.735.1634)

Architect/ View Analysis  
Architects Orange  
144 N. Orange St., Orange CA 92866  
Contact: Mr. Jack Selman (714.639.9860)

***LUC Comment 8.***

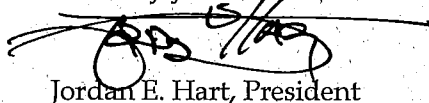
*On pages 91, 94, and 111 of the DEIS, it is stated that "[t]he Piilani Promenade does not lie within the Hawaii Coastal Zone Management Area..for the island of Maui." This is incorrect. Please be advised that pursuant to section 205A-1, Hawaii Revised Statutes, the Coastal Zone Management area encompasses the entire state.*

**Response 8:** In response to comments regarding the Coastal Zone Management Area, the FEIS Section IV. C. (Hawaii State Plan) has been revised in several places as follows:

**Piilani Promenade does not lie within the Hawaii Coastal Zone Management Area nor is it located within the Special Management Area for the island of Maui.**

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,



Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Bert Saruwatari, LUC  
Project File 13-029

NEIL ABERCROMBIE  
GOVERNOR



Dean H. Seki  
Comptroller

Maria E. Zielinski  
Deputy Comptroller

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

AUG 25 2014

RECEIVED

AUG 26 2014 (P)1271.4

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett

131029

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96793

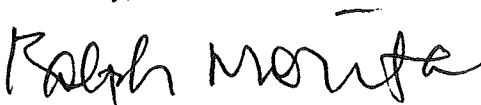
Dear Mr. Hart:

Subject: Piilani Promenade  
Makawao, Maui  
TMK: (2) 3-9-001:016, 170-174

Thank you for the opportunity to provide comments for the subject project. This project does not impact any of the Department of Accounting and General Services' projects or existing facilities in this area and we have no comments to offer at this time.

If you have any questions, your staff may call Mr. Alva Nakamura of the Planning Branch at 586-0488.

Sincerely,

*for*   
JAMES K. KURATA  
Public Works Administrator

AN:lnn

c: Mr. Robert Poynor, VP, Piilani Promenade North, LLC & Piilani Promenade South, LLC  
Mr. William Spence, Director, County of Maui, Dept. of Planning



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Dean H. Seki, State Comptroller  
State of Hawaii  
Department of Accounting and General Services  
P.O. Box 119  
Honolulu, HI 96810-0119

Dear Mr. Seki,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your comment letter of August 25, 2014 which indicates that the proposed project will not have any effect upon your Department's projects or facilities in the area and that you have no further comments to offer at this time.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029





**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

May 2, 2017

Mr. Roderick Becker, State Comptroller  
State of Hawaii  
Department of Accounting and General Services  
Kalanimoku Building  
1151 Punchbowl Street  
Honolulu, HI 96813

Dear Mr. Becker,

RE: Response to Comments on the Draft Environmental Impact Statement  
(DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Attached is a comment response letter dated April 17, 2017 addressed to the former Comptroller Mr. Dean Seki. The letter was provided in response to comment received on the Project's Draft EIS. The letter and copy of the Final EIS on CD are provided for the Department's records.

Thank you for your consideration. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

Enclosures (2):

1. Response letter dated April 17, 2017
2. FEIS on CD

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029





**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Dean H. Seki, State Comptroller  
State of Hawaii  
Department of Accounting and General Services  
P.O. Box 119  
Honolulu, HI 96810-0119

Dear Mr. Seki,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

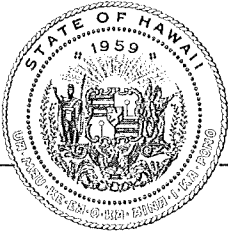
Thank you for your comment letter of August 25, 2014 which indicates that the proposed project will not have any effect upon your Department's projects or facilities in the area and that you have no further comments to offer at this time.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029



## OFFICE OF PLANNING STATE OF HAWAII

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

NEIL ABERCROMBIE  
GOVERNOR

LEO R. ASUNCION  
ACTING DIRECTOR  
OFFICE OF PLANNING

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <http://planning.hawaii.gov/>

Ref. No. P- 14530

October 7, 2014

RECEIVED

OCT - 9 2014

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96763

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

*CL: BHA 13/029*

Dear Mr. Hart:

Subject: Piilani Promenade  
Draft Environmental Impact Statement (DEIS)  
Kihei, Maui  
TMK: (2) 3-9-001: 016, 170-174

Thank you for the opportunity to review the DEIS for the proposed project. According to the document, the new proposal for the Petition area will include retail, office, business and commercial, light industrial, multi-family rental units, parks, substation, and appurtenant uses. The proposal also includes bicycle and pedestrian pathways, road widening lots for Piilani Highway, and the Kaonoulu Street Extension (portion). The zoning is M-1 Light Industrial and the site is within the State Urban District. The Petitioners have filed a Motion to Amend in Docket No. A94-706, to allow for a revision in the proposed use of the Petition area from the originally approved 123-lot industrial subdivision to the current mixed use proposal.

The Office of Planning (OP) provides the following comments and concerns below.

1. Pages 85-115. The Hawaii State Plan in Hawaii Revised Statutes (HRS) Chapter 226 provides goals, objectives, policies, and priority guidelines for growth, development, and the allocation of state resources. The Piilani Promenade DEIS provides an analysis of the Hawaii State Plan's objectives, policies and priority guidelines as it pertains to this project on pages 85-115.
  - a. A discussion of the project's consistency with HRS Section 226-108 (Priority Guidelines on Sustainability) is absent from the table on pages 104-115 of the DEIS. The Final Environmental Impact Statement (FEIS) should include a discussion and analysis of the project's consistency with HRS Section 226-108.
  - b. A resource reference on the Sustainability Priority Guidelines is available from the Office of Planning's website at [http://files.hawaii.gov/dbedt/op/docs/OP\\_TAM-2013-12.03.pdf](http://files.hawaii.gov/dbedt/op/docs/OP_TAM-2013-12.03.pdf)
  - c. The analysis section of the table on page 115 of the DEIS incorrectly states that "The Piilani Promenade does not lie within the Hawaii Coastal Zone Management

Area ...” HRS Section 205A-1 (Definition of Coastal Zone Management Area) states:

“Coastal zone management area” means all lands of the State and the area extending seaward from the shoreline to the limit of the State’s police power and management authority, including the United States territorial sea.”

Since the coastal zone management area includes all lands of the State, the Piilani Promenade project lies within the Hawaii Coastal Zone Management Area. The FEIS should reflect this correction throughout the document.

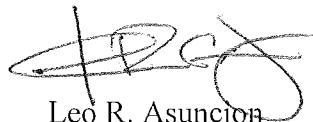
2. Development Phasing, page 14: The DEIS indicates that Piilani Promenade will be constructed in two phases. Phase one, the Piilani Promenade North will include 100,000 square feet of business commercial uses, 226 rental apartments, and 57,558 square feet of light industrial uses. The Piilani Highway road widening, extension of Kaonoulu Road, 1.0 MG water tank, well, and related utilities will also be constructed. Phase two will include the development of Piilani Promenade South with 430,000 square feet of business commercial uses. Construction will occur between 2016-2018. The DEIS should clarify whether the construction of both phases are expected to be completed by 2018. The DEIS project description should also indicate whether any big box retail stores are planned in either phase of the proposed developments, as such uses have greater impacts especially with respect to traffic.
3. Traffic Mitigation Measures, page 65-70: Table 11 and sections on traffic mitigation measures discuss the proposed mitigation measures for the proposal and the multi-family units. Table 11 also proposes mitigation measures, such as to install traffic signals at Piilani Highway and Kaonoulu Street, and notes that this mitigation measure will be installed by others. The Table should include the party that will be responsible for installing these measures. We encourage you to consult with the State Department of Transportation on your analysis and these proposed mitigation measures for the entire development. We also note that the DEIS recommends that a Transportation Coordinator should be appointed by the developer to coordinate the strategies identified in the DEIS. The DEIS should indicate whether the Petitioner intends to implement this recommendation and the proposed mitigation measures.
4. Section III. D. 5. Electrical and State Functional Plan: Energy. The section on the State Functional Plan for Energy refers to Section III. D. 5 Electrical, as including more description on sustainability and resource use. However, this section does not have such information. We recommend that the Final EIS include a section dedicated to energy efficiency and sustainability measures with a more detailed and informative description of proposed measures for the Petition area.

Mr. Jordan E. Hart  
October 7, 2014  
Page 3

5. Page 42. Housing. Potential Impacts and Mitigation Measures. The DEIS states that the proposed project includes the “construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.” We previously understood that some units were being built to satisfy the Maui County affordable housing requirement for a different project. The FEIS should be clear as to whether and how many affordable units will be built for the purpose of satisfying a Maui County affordable housing requirement for a different project, how many units will be market-priced, and how those market-priced units within the Petition Area will satisfy Maui County’s affordable housing requirements.

Thank you for the opportunity to review this project. If you have any questions, please call Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leo R. Asuncion', with a stylized flourish at the end.

Leo R. Asuncion  
Acting Director

cc: Mr. Robert Poynor, Vice President  
Piilani Promenade North, LLC, & Piilani Promenade South, LLC  
Land Use Commission



April 17, 2017

Mr. Leo Asuncion, Jr., AICP, Director  
State of Hawaii, DBEDT  
Office of Planning  
PO. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Mr. Asuncion,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 7, 2014. In responding to your comments on the DEIS, we would like to note the following.

**Comment 1.**

*The Hawaii State Plan in Hawaii Revised Statutes (HRS) Chapter 226 provides goals, objectives, policies, and priority guidelines for growth, development, and the allocation of state resources. The Pi'ilani Promenade DEIS provides an analysis of the Hawaii State Plan's objectives, policies and priority guidelines as it pertains to this project on pages 85-115.*

- a. A discussion of the project's consistency with HRS Section 226-108 (Priority Guidelines on Sustainability) is absent from the table on pages 104-115 of the DEIS. The Final Environmental Impact Statement (FEIS) should include a discussion and analysis of the project's consistency with HRS Section 226-108.*
- b. A resource reference on the Sustainability Priority Guidelines is available from the Office of Planning's website at [http://files.hawaii.gov/dbedt/op/docs/OP\\_TAM-2013-12.03.pdf](http://files.hawaii.gov/dbedt/op/docs/OP_TAM-2013-12.03.pdf)*
- c. The analysis section of the table on page 115 of the DEIS incorrectly states that "The Pi'ilani Promenade does not lie within the Hawaii Coastal Zone Management Area ..." HRS Section 205A-1 (Definition of Coastal Zone Management Area) states:*

*"Coastal zone management area" means all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the United States territorial sea."*

*Since the coastal zone management area includes all lands of the State, the Pi'ilani Promenade project lies within the Hawaii Coastal Zone Management Area. The FEIS should reflect this correction throughout the document.*

**Response 1:** In response to comments regarding sustainability the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Chapter 226-108 Sustainability priority.

Priority guidelines to promote sustainability:

<u>Priority Guidelines:</u>	<u>S</u>	<u>N/S</u>	<u>N/A</u>
<u>(1) Encouraging balanced economic, social, community, and environmental priorities;</u>	<u>✓</u>		
<u>(2) Encourage planning that respects and promotes living within the natural resources and limits of the State;</u>	<u>✓</u>		
<u>(3) Promote a diversified and dynamic economy;</u>	<u>✓</u>		
<u>(4) Encouraging respect for the host culture;</u>	<u>✓</u>		
<u>(5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;</u>	<u>✓</u>		
<u>(6) Considering the principles of the ahupua'a system; and</u>	<u>✓</u>		
<u>(7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawaii.</u>	<u>✓</u>		

Analysis: The Project will provide greatly needed affordable and market rate rental units in Kihei. Providing Affordable Housing for Maui residents is priority of Maui Island Plan, Kihei -Makena Community Plan and the Department of Housing and Human Concern. The Project also supports Hawaii State Plan Chapter 226, HRS 226-106 "Affordable Housing" which sets priority guidelines for the provision of affordable housing in the State of Hawaii.

The Project is a planned urban infill project that will complement the light industrial development to the north and the proposed Kihei High School to the south, and is an appropriate location for urban development. The Project is approximately 0.5 miles from commercial services located at the Pi'ilani Shopping Center and 0.4 miles from the commercial services located at Ohukai Road. The Project site is approximately 1 mile from the public beach access along South Kihei Road.

The proposed mixed use development will provide light industrial, commercial and rental housing opportunities for workforce residents. The allowable mix of permitted uses on the Project site, including rental opportunities support a dynamic economy by proving additional light industrial, retail, commercial and housing options to Maui's workforce residents and visitors.

The Applicant has prepared a revised Cultural Impact Assessment to study and document cultural practices which may affect the project site. It was determined that the proposed project would not have an adverse impact on any cultural activities or significant historic sites. In addition an Archaeological Inventory was completed in 2015 as part of the Final EIS and the State Department

of Land and Natural Resources, State Historic Preservation Division approved the AIS report in January 2016.

The Project can be described as urban infill that will complete an existing neighborhood and provide needed affordable rental units in the near future. The Applicant anticipates acceptance of the FEIS, which will document that the Project will not compromise the needs of future generations.

In the context of the Ahupua'a system, the Project will seek to improve the quality of storm water runoff as it travels towards the ocean through the implementation of the onsite drainage system which will provide storage for the increase in stormwater runoff in compliance with Chapter 4. "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 Rules for the Design of Storm Water Treatment Best Management Practices." The makai Project site boundary fronts Pi'ilani Highway and is approximately 0.5 miles from the ocean.

The Applicant is providing the Project residents with a 2-acre park space in front of the apartment development to promote recreation opportunities. In addition, sidewalks and bike paths will be incorporated into the site plan to promote no-vehicular circulation on the site.

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi'ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

In response to comments regarding the Coastal Zone Management Area, the Final EIS Section IV. C. (Hawaii State Plan) has been revised in several places as follows:

**Pi'ilani Promenade does not lie within the Hawaii Coastal Zone Management Area nor is it located within the Special Management Area for the island of Maui.**

**Comment 2.**

*The DEIS indicates that Pi'ilani Promenade will be constructed in two phases. Phase one, the Pi'ilani Promenade North will include 100,000 square feet of business commercial uses, 226 rental apartments, and 57,558 square feet of light industrial uses. The Pi'ilani Highway road widening, extension of Kaonoulu Road, 1.0 MG water tank, well, and related utilities will also be constructed. Phase two will include the development of Pi'ilani Promenade South with 430,000 square feet of business commercial uses. Construction will occur between 2016-2018. The DEIS should clarify whether the construction of both phases are expected to be completed by 2018. The DEIS project description should also indicate whether any big box retail stores are planned in either phase of the proposed developments, as such uses have greater impacts especially with respect to traffic.*

**Response 2:** In response to comments regarding the proposed project schedule, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:



### Development Phasing

It is anticipated that the Pi'ilani Promenade project will be constructed in two (2) three (3) phases upon receipt of LUC approval and as market conditions warrant.

Phase one is the Pi'ilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUH) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank, the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

Phase two three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Pi'ilani Promenade will be obtained by in the second quarter of 20162017 and construction for Phase 1 and 2 is expected to be completed in 2018. Phase 2 and Phase 3 developments are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.

As requested by the LUC and the Office of Planning, Table 1.a below provides an estimated timeline for development and estimated construction cost for the proposed project. The estimated construction costs will be privately paid for by the Applicant, no public funds are being used to construct the proposed project.

**Table No. 1a**  
 Development Phasing Timeline with Cost Estimate

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b>Phase 1</b>			
<u>Site work Improvements</u>	<u>\$1,256,710.00</u>	<u>Upon approval of the Motion to Amend by the LUC</u>	<u>16 months after approval of the Motion to Amend by the LUC</u>



<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<u>East Kaonoulu Street Improvements</u>	<u>\$2,299,046.00</u>	<u>"</u>	<u>"</u>
<u>Pi'ilani Highway Widening Improvements</u>	<u>\$1,411,106.00</u>	<u>"</u>	<u>"</u>
<u>Access Road and Swales</u>	<u>\$1,771,330.00</u>	<u>"</u>	<u>"</u>
<u>Sewer System/Revisions</u>	<u>\$712,592.00</u>	<u>"</u>	<u>"</u>
<u>Storm Drainage System/Revisions</u>	<u>\$2,895,052.00</u>	<u>"</u>	<u>"</u>
<u>Onsite Water System</u>	<u>\$834,700.00</u>	<u>"</u>	<u>"</u>
<u>12" Offsite Water/1MG Water Tank</u>	<u>\$4,802,784.00</u>	<u>"</u>	<u>"</u>
<u>36" Water Main/Water/Misc. Revisions</u>	<u>\$2,444,940.00</u>	<u>"</u>	<u>"</u>
<u>Electrical</u>	<u>\$885,566.00</u>	<u>"</u>	<u>"</u>
<u>Traffic Signal Improvements</u>	<u>\$643,000.00</u>	<u>"</u>	<u>"</u>
<u>Landscape/Irrigation</u>	<u>\$1,202,000.00</u>	<u>"</u>	<u>"</u>
<u>CRM Walls</u>	<u>\$900,000.00</u>	<u>"</u>	<u>"</u>
<b><u>Phase 2</u></b>			
<u>Light Industrial</u>	<u>\$13,000,000</u>	<u>Prior to completion of Phase 1</u>	<u>15-16 months after commencing work</u>
<u>Business/Commercial</u>	<u>\$27,500,000</u>	<u>"</u>	<u>"</u>
<u>Apartments</u>	<u>\$33,500,000</u>	<u>"</u>	<u>12 to 13 months after commencing work</u>
<b><u>Phase 3</u></b>			
<u>Business/Commercial</u>	<u>\$118,250,000</u>	<u>Prior to completion of Phase 2, this portion of development is market driven</u>	<u>15-16 months after commencing work</u>

***Comment 3.***

*Traffic Mitigation Measures, page 65-70: Table 11 and sections on traffic mitigation measures discuss the proposed mitigation measures for the proposal and the multi-family units. Table 11 also proposes mitigation measures, such as to install traffic signals at Pi'ilani Highway and*

*Kaonoululu Street, and notes that this mitigation measure will be installed by others. The Table should include the party that will be responsible for installing these measures. We encourage you to consult with the State Department of Transportation on your analysis and these proposed mitigation measures for the entire development. We also note that the DEIS recommends that a Transportation Coordinator should be appointed by the developer to coordinate the strategies identified in the DEIS. The DEIS should indicate whether the Petitioner intends to implement this recommendation and the proposed mitigation measures.*

**Response 3:** In response to comments regarding traffic mitigation measures, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui.

#### **Recommended Project Mitigation Measures**

The Applicant is responsible for providing the following improvements at the intersection of Pi'ilani Highway and Kaonoululu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Pi'ilani Highway.

Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In addition, Appendix N of the FEIS provides a list of the existing conditions in the 1995 Decision and Order and the amendments proposed by the Applicant.

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

**Kenolio Road and Kaonoulu Street**

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

**Pi'ilani Highway and Ohukai Road**

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

**Pi'ilani Highway and Piikea Avenue**

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

**Pi'ilani Highway and Kulanihakoi Street**

The signalized intersection of Pi'ilani Highway at Kulanihakoi Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.

**Pi'ilani Highway and Kaiwahine Street**

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Pi'ilani Highway.

In response to comments regarding the transportation coordinator, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Transportation Management Plan Strategies**

- A Transportation Coordinator ~~will~~ should be designated by the developer or property manager. The Transportation Coordinator will be responsible for establishing, coordinating and managing the TMP strategies identified in the plan. The Transportation Coordinator ~~will~~ should also document and respond to any traffic related complaints received from the surrounding community.

**Comment 4.**

*Section III. D. 5. Electrical and State Functional Plan: Energy. The section on the State Functional Plan for Energy refers to Section III. D. 5 Electrical, as including more description on sustainability and resource use. However, this section does not have such information. We recommend that the Final EIS include a section dedicated to energy efficiency and sustainability measures with a more detailed and informative description of proposed measures for the Petition area.*

**Response 4:** In response to comments regarding energy, the FEIS Section III. D. 5 (Electrical) has been revised to include the following language:

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Piilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water.

**Comment 5.**

*Page 42: Housing: Potential Impacts and Mitigation Measures. The DEIS states that the proposed project includes the "construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns." We previously understood that some units were being built to satisfy the Maui County affordable housing requirement for a different project. The FEIS should be clear as to whether and how many affordable units will be built for the purpose of satisfying a Maui County affordable housing requirement for a different project, how many units will be market-priced, and how those market-priced units within the Petition Area will satisfy Maui County's affordable housing requirements.*

**Response 5:** In response to comments regarding affordable housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language:

In response to comments on the DEIS from the State Office of Planning, the proposed 226 rental apartment units are for the Project and none of the rental units will be used or credited by another project. The Project will satisfy the County's affordable housing requirements by providing the required rental units on-site at an affordable rate to be determined by the DHHC. Currently the County requirement is for 25% of the units to be rented at affordable rates.

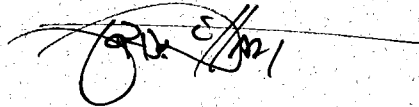
The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be rented for a range of consumer groups, including workforce affordable units.

Chapter 2.96 MCC (Residential Workforce Housing Policy) requires that one third (1/3) of the affordable units be provided to 1) "very low income" residents and "low income" residents, 2) "below moderate income" residents, and 3) "moderate income" residents. Based on the 2016 Affordable Sales Pricing Guidelines 1) "very low income" residents and "low income" residents range from 50-80% of the median income for County, 2) "Below moderate income" residents, range from 81%- 100% and 3) "moderate income" residents earn 101%-120% of median income.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan E. Hart', with a long horizontal flourish extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029



**Brett Davis**

---

**From:** McIntyre, Laura <Laura.McIntyre@doh.hawaii.gov>  
**Sent:** Tuesday, September 30, 2014 1:02 PM  
**To:** bpoynor@sraco.com; Brett Davis  
**Cc:** daniel.e.orodenker@dbedt.hawaii.gov; Scott Derrickson; Wong, Alec Y; Pruder, Sina L; Grange, Fenix  
**Subject:** DEIS for Piilani Promenade - Maui, Makawao-Wailuku Districts  
**Attachments:** 14-193\_SDWB-letter.pdf; 14-193\_DHO-Maui-letter.p

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378



LINDA ROSEN, M.D., M.P.H.  
DIRECTOR OF HEALTH

In reply, please refer to:  
File:

EPO 14-193

September 30, 2014

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96793

Dear Mr. Hart:

**SUBJECT: Draft Environmental Impact Statement for Piilani Promenade  
Island of Maui, Makawao-Wailuku Districts, TMK (2) 3-9-001: 016, 170-174**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your letter dated August 20, 2014. Thank you for allowing us to review and comment on the subject document available to the public online at: [http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Maui/2010s/2014-08-23-MA-5E-DEIS-Piilani-Promenade.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2010s/2014-08-23-MA-5E-DEIS-Piilani-Promenade.pdf)

The document was routed to the relevant Environmental Health divisions, branches, and offices. They will provide specific comments to you if necessary. The Safe Drinking Water Branch sent comments on August 27<sup>th</sup> and the District Health Office in Maui provided comments on September 9<sup>th</sup>. Given the scale of this project, we encourage you to seek input from the Clean Water Branch and Wastewater Branch to ensure adherence to all rules and regulations. We also recommend that you contact the Hazard Evaluation and Emergency Response Office regarding soil quality. The EPO recommends that you review the standard comments at: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. You are required to adhere to all applicable standard comments.

We encourage you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov> You may also wish to review the recently revised Water Quality Standards Maps that have been updated for all islands. The new Water Quality Standards Maps can be found at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/water-quality-standards/>.

The EPO suggests that you examine the many sources available on strategies to support the sustainable and healthy design of communities and buildings, including the:

2014 National Climate Change Report – Highlights for Hawaii:  
[http://ipcc-wg2.gov/AR5/images/uploads/WGIAR5-Chap29\\_FGDall.pdf](http://ipcc-wg2.gov/AR5/images/uploads/WGIAR5-Chap29_FGDall.pdf)

U.S. Health and Human Services: [www.hhs.gov/about/sustainability](http://www.hhs.gov/about/sustainability);  
U.S. Environmental Protection Agency's sustainability programs: [www.epa.gov/sustainability](http://www.epa.gov/sustainability);  
U.S. Green Building Council's LEED program: [www.usgbc.org/leed](http://www.usgbc.org/leed);  
Smart Growth America: [www.smartgrowthamerica.org](http://www.smartgrowthamerica.org);  
International Well Building Standard: <http://delosliving.com>; and  
Intergovernmental Panel on Climate Change (IPCC):  
[http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29\\_FGDall.pdf](http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29_FGDall.pdf)

We request you share all of this information with others to increase community awareness on sustainable, innovative, inspirational, and healthy community design.

Mahalo,  
Laura Leialoha Phillips McIntyre, AICP  
Program Manager, Environmental Planning Office

- c. Robert Poynor, Piilani Promenade North, LLC & Piilani Promenade South, LLC c/o Sarofim Realty Advisors
- c. Chris Hart & Partners, Inc – Maui Office
- c. CWB, WWB, HEER



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Ms. Laura Leialoha Phillips McIntyre, AICP  
State DOH, Environmental Planning Office  
P.O. Box 3378  
Honolulu, HI 96801-3378

Dear Ms. Leialoha Phillips McIntyre:

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

We acknowledge the receipt of your email dated September 30, 2014 and are responding to your comments.

Copies of your letter, including the data sources for the Standard Comments of the Department of Health (DOH) and the strategies and principles for sustainable design, have been furnished to our project team for their use during the detailed planning and design phase of the project.

*Comment 1. Given the scale of this project, we encourage you to seek input from the Clean Water Branch and Wastewater Branch to ensure adherence to all rules and regulations.*

**Response 1.** As part of the environmental review process, the DEIS was sent to the Clean Water and Wastewater Branches, and comments were received. The project has been issued County water meters and will connect to the Maui County public drinking water system. Additionally the project will connect to the existing wastewater system in Kihei.

The Applicant has retained a team of professional engineers to design drinking water and wastewater systems for the proposed project and will ensure that the project is in compliance with Clean Water and Wastewater Branch rules and regulations.

*Comment 2. We also recommend that you contact the Hazard Evaluation and Emergency Response Office regarding soil quality.*

**Response 2.** In response to comments soil quality, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.



The Applicant's planning consultant spoke with the Hazard Evaluation and Emergency Response Office and there were no records of hazardous substances or soil contamination on the Project site. The ESA determined that the Project will not impact soil quality at the Project site.

The remaining other potential concerns identified by the ESA such as illegal solid waste dumping are limited in scope and will be mitigated prior to or during project development. No impacts from hazardous substances are anticipated at the site based on the conclusions of the Phase I ESA (See: Appendix B, "Environmental Site Assessment"). There has been no activity on the project site or change in the land that would impact the ESA since the July 2013 environmental assessment.

Under ASTM standards, a Phase I Environmental Site Assessment may be considered out of date if not conducted within the prior 180 days. As a result the Applicant requested an update of the ESA. A site visit was conducted by MEV on January 13, 2017, and MEV determined that nothing came to their attention that would cause them to change any matter or opinion set forth in the ESA. Accordingly, MEV issued the Environmental Site Assessment update letter. (See: Appendix B-1, "Environmental Site Assessment update letter dated January 18, 2017").

*Comment 3. The EPO recommends that you review the standard comments at: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. You are required to adhere to all applicable standard comments.*

**Response 3.** The Applicant will adhere to applicable standard comments and has shared them with the project team.

*Comment 4. We encourage you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov>*

**Response 4.** Thank you for this information, the Applicant has shared this information with the project team.

*Comment 5. You may also wish to review the recently revised Water Quality Standards Maps that have been updated for all islands. The new Water Quality Standards Maps can be found at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/water-quality-standards/>.*

**Response 5.** Thank you for this information, the Applicant will review the revised Water Quality Standards Map.

*Comment 6.* The EPO suggests that you examine the many sources available on strategies to support the sustainable and healthy design of communities and buildings, including the: 2014 National Climate Change Report - Highlights for Hawaii: [http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29\\_FGDall.pdf](http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29_FGDall.pdf); U.S. Health and Human Services: [www.hhs.gov/about/sustainability](http://www.hhs.gov/about/sustainability); U.S. Environmental Protection Agency's sustainability programs: [www.epa.gov/sustainability](http://www.epa.gov/sustainability); U.S. Green Building Council's LEED program: [www.usgbc.org/leed](http://www.usgbc.org/leed); Smart Growth America: [www.smartgrowthamerica.org](http://www.smartgrowthamerica.org); International Well Building Standard: <http://delosliving.com>; and Intergovernmental Panel on Climate Change (IPCC): [http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29\\_FGDall.pdf](http://ipcc-wg2.gov/AR5/images/uploads/WGIIAR5-Chap29_FGDall.pdf)

**Response 6.** In response to comments regarding project design, the FEIS Section III. A. 9 (Visual Resources) has been revised to include the following language.

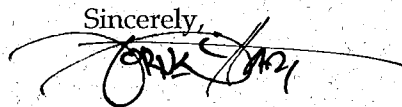
In response to comments, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

*Comment 7.* We request you share all of this information with others to increase community awareness on sustainable, innovative, inspirational, and healthy community design.

**Response 7.** The information in your email has been furnished to our project team for their use during the detailed planning and design phase of the project.

In addition to this original letter, a copy will be e-mailed to you at [epo@doh.hawaii.gov](mailto:epo@doh.hawaii.gov).

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,  
  
Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodenker, Executive Officer, LUC  
Project File 13-029



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

09007PJF.14

September 8, 2014

Mr. Jordan E. Hart  
President  
Chris Hart & Partners, Inc.  
115 N. Market Street,  
Wailuku, Island of Maui, Hawaii 96793

RECEIVED

SEP - 9 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett 131029

Dear Mr. Hart:

**SUBJECT: Comments on Draft Environmental Impact Statement (DEIS) for  
Piilani Promenade  
Makawao-Wailuku Districts, Island of Maui, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated August 20, 2014, requesting comments on the subject document. The DOH-CWB has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. Your applicant may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at: [http://health.hawaii.gov/epo/files/2013/10/CWB\\_Oct22.pdf](http://health.hawaii.gov/epo/files/2013/10/CWB_Oct22.pdf).

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).

- a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB website (<http://health.hawaii.gov/cwb/>) for the NPDES general permits and instructions to request coverage.
- b. All other discharges into State surface waters and discharges into Class 1 or Class AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>.
- c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).

3. If the project involves work in, over, or under waters of the United States, it is highly recommend that your applicant contact the Army Corp of Engineers, Regulatory Branch (Tel: 438-9258) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

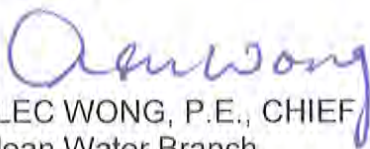
4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Mr. Jordan E. Hart  
September 8, 2014  
Page 3

09007PJF.14

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,

  
ALEC WONG, P.E., CHIEF  
Clean Water Branch

JF:bk

c: Mr. William Spence, State of Hawaii, Land Use Commission  
Mr. Robert Poynor, Piilani Promenade North, LLC



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Alec Wong, P.E., Chief  
State DOH, Clean Water Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

Dear Mr. Wong:

**RE:** Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of September 8, 2014. We have provided the following responses to your numerated comments.

**Comment 1.** Any project and its potential impacts to State waters must meet the following criteria:

a. Antidegradation policy (HAR, Section 11-54-1 .I), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

a. Designated uses (HAR, Section 11 -54-3), as determined by the classification of the receiving State waters.

b. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

**Response 1.** The proposed project will comply with the applicable provisions of Chapter 11-54, Hawaii Administrative Rules (HAR) entitled Water Quality Standards and Chapter 11-55, HAR titled Water Pollution Control.

The proposed project will also be developed in accordance with the standards set forth by:

- a. Section 11-54-1.1, HAR (General Policy of Water Quality Anti-degradation).
- b. Section 11-54-3, HAR (Classification of Water Uses).
- c. The water quality criteria set forth in Sections 11-54-4 through 11-54-8, HAR.

**Comment 2.** National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).

a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB

website (<http://healthhawaii.gov/cwb/>) for the NPDES general permits and instructions to request coverage.

b. All other discharges into State surface waters and discharges into Class 1 or Class, AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>.

c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).

**Response 2.** In response to comments regarding NPDES permits, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

**Comment 3.** If your project involves work in, over, or under waters of the United States, it is highly recommend that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 438-9258) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401 (a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters ..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and HAR, Chapter 11-54.

**Response 3.** In response to comments regarding waters of the United States, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

The Army Corps of Engineers conducted a site visit in January 2017 and staff is currently reviewing site plans to provide a jurisdictional determination to determine that there are no

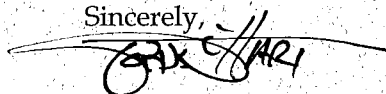
waters of the U.S. located on the Project site. The Applicant expects this determination in 2017.

*Comment 4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.*

**Response 4.** Notwithstanding other permit requirements, the Applicant understands that all project-related discharges must comply with the State's Water Quality Standards as set forth in Chapter 11-54, HAR.

Thank you participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hart", with a long horizontal flourish extending to the left.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer LUC  
Project File 13-029





STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SAFE DRINKING WATER BRANCH  
919 ALA MOANA BLVD., ROOM 308  
HONOLULU, HI 96814-4920

In reply, please refer to:  
File: SDWB

PiilaniPromenade02.docx

August 27, 2014

RECEIVED

AUG 30 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett

13/029

Piilani Promenade North, LLC  
& Piilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, TX 75225

Dear Mr. Robert Poynor:

SUBJECT: PIILANI PROMENADE  
DRAFT ENVIRONMENTAL IMPACT STATEMENT  
KIHEI, MAUI, HAWAII

The Safe Drinking Water Branch (SDWB) has reviewed the subject document and has the following comments:

1. The description of the project states that three 3-inch meters are available to serve the project from the County of Maui, Department of Water Supply (DWS). The project may qualify as a public water system if the project has a master meter from DWS and then sells water to individual units. Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, "Rules Relating to Public Water Systems."
2. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements in accordance with HAR Section 11-20-29.5, "Capacity demonstration and evaluation."
3. Projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of HAR Section 11-20-29, "Use of new sources of raw water for public water systems." This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in HAR Section 11-20-29.

4. The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
5. All sources of public water systems must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
6. Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification in accordance with HAR Section 11-20-30, "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.
7. All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 25, "Rules Relating to Certification of Public Water System Operators."
8. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems, and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 21, "Cross-Connection and Backflow Control" is also required.

Mr. Robert Poynor  
August 27, 2014  
Page 3

9. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.
10. For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the Safe Drinking Water Branch at (808) 586-4258.

If there are any questions, please call Ms. Jennifer Nikaido of the SDWB Engineering Section at (808) 586-4258.

Sincerely,

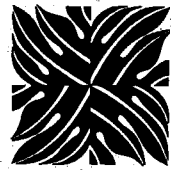


*JL* JOANNA L. SETO, P.E., CHIEF  
Safe Drinking Water Branch

JN:cb

c: Mr. Jordan E. Hart  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, HI 96793

EPO



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Ms. Joanna L. Seto, P.E., Chief  
State DOH, Safe Drinking Water Branch  
Environmental Management Division  
919 Ala Moana Blvd., Room 308  
Honolulu, HI 96814 - 4920

Dear Ms. Seto,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of August 27, 2014. The responses to your numerated comments are as follows.

***Comment 1.** The description of the project states that three 3-inch meters are available to serve the project from the County of Maui, Department of Water Supply (DWS). This project may qualify as a public water system if the project has a master meter from DWS and then sells water to individual units. Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, "Rules Relating to Public Water Systems."*

**Response 1.** The proposed project will connect to the existing County (public) water system which is a public water system regulated by the County of Maui, State of Hawaii and Federal government.

***Comment 2.** All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements in accordance with HAR Section 11-20-29.5, "Capacity demonstration and evaluation."*

**Response 2.** If the water system for the proposed project is determined to be a public water system by the SDWB, the Applicant will demonstrate that the water system will have sufficient technical, managerial and financial capability to enable the system to comply with safe drinking water standards and requirements in accordance with HAR Section 11-20-29.5, "Capacity Demonstration and Evaluation."

***Comment 3.** Projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of HAR Section 11-20-29, "Use of new sources of raw water for public water systems." This section requires that all new public water system sources be*

*approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in HAR Section 11-20-29.*

**Response 3.** The proposed Pi'ilani Promenade project plans to connect to the existing County (public) water system and is not proposing a new source of drinking water.

***Comment 4.** The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.*

**Response 4.** The proposed Pi'ilani Promenade project plans to connect to the existing County (public) water system and is not proposing a new source of drinking water.

***Comment 5.** All sources of public water systems must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.*

**Response 5.** The Applicant acknowledges that all public water system sources are subject to a source water assessment which will delineate a water source protection area.

***Comment 6.** Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification in accordance with HAR Section 11-20-30, "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.*

**Response 6.** The proposed Pi'ilani Promenade project plans to connect to the existing County (public) water system and is not proposing a new source of drinking water. The Applicant understands that any new public water system must be approved by the Director of Health before construction can commence pursuant to Section 11-20-30, HAR pertaining to "New and Modified Public Water Systems".

***Comment 7.** All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 25, "Rules Relating to Certification of Public Water System Operators."*

**Response 7.** The proposed Pi'ilani Promenade project plans to connect to the existing County (public) water system and is not proposing a new source of drinking water.

*Comment 8. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 21, "Cross-Connection and Backflow Control" is also required.*

**Response 8.** The Applicant understands that separate drinking water and non-potable systems need to be carefully designed and operated to prevent any cross-connections and potential backflow and that the dual system must be clearly labeled and physically separated to avoid drinking water contamination. The design and operation of this dual water system must comply with the provisions of Title 11, Chapter 21, entitled "Cross-connection and Backflow Control".

*Comment 9. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.*

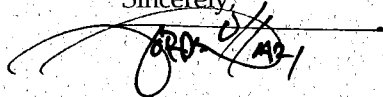
**Response 9.** The proposed Pi'ilani Promenade project plans to connect to the existing County (public) water system and is not proposing a new source of drinking water.

*Comment 10. For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the Safe Drinking Water Branch at (808) 586-4258.*

**Response 10.** The Applicant will coordinate with the SDWB as necessary and copies of the SDWB comment letter and contact information have been provided to the Applicant and the appropriate project consultants for their use if additional information is needed.

Thank you for participating in the environmental review process. Please feel free to call Mr. Brett Davis at (808) 242-1955 or email Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodenker, Executive Officer, LUC  
Project File 13-029



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LINDA ROSEN, M.D., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH

P. O. BOX 3378  
HONOLULU, HI 96801-3378

October 22, 2014

In reply, please refer to:

LUD - 2 3 9 001 016 etc DEIS  
Piilani Promenade-ID1859

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Maui, Hawaii 96793-1717

Dear Mr. Hart:

Subject: Draft Environmental Impact Statement (DEIS) for Piilani Promenade  
451 Kaonoulu Street, Kula, Maui, Hawaii 96790  
TMK (2) 3-9-001: 016, 170-174

Thank you for allowing us the opportunity to provide comments on the above subject project.  
We have the following information to offer.

The subject project is located in the critical wastewater disposal area as determined by the Maui County Wastewater Advisory Committee. As connection to the County's Kihei Wastewater System is planned for treatment and disposal of the domestic wastewater, we have no objections to the proposed development.

Should you have any questions, please contact Mr. Mark Tomomitsu of our branch at telephone number (808) 586-4294.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sina Pruder".

SINA PRUDER, P.E., CHIEF  
Wastewater Branch

LM/MST:lmj

cc: Ms. Laura McIntyre, DOH-Environmental Planning Office  
Mr. Robert Poynor, VP, Sarofim Realty Advisors  
Mr. William Spence, Director, SOH, Land Use Commission  
Mr. Roland Tejano, DOH-WWB's Maui Staff  
Mr. Kurt Wollenhaupt, County of Maui, Department of Planning

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OCT 24 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CL: Brett 10/29



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Sina Pruder, P.E., Chief  
State of Hawaii, Dept. of Health  
Wastewater Branch  
P.O. Box 3378  
Honolulu, HI 96801-3378

Dear Ms. Pruder,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 22, 2014 which indicates that the Department of Health, Wastewater Branch has no objections to the proposed project.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

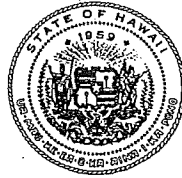
Sincerely,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LINDA ROSEN, M.D., M.P.H.  
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 HI 96793

September 9, 2014

Mr. Robert Poynor  
Vice President  
Piilani Promenade North, LLC & Piilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

Dear Mr. Poynor:

Subject: Piilani Promenade

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

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

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

Sincerely,

Patti Kitkowski  
District Environmental Health Program Chief

c EPO  
✓ Jordan E. Hart

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SEP 10 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning  
CL. Bvcl4 131029



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

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

Dear Ms. Kitkowski:

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of September 9, 2014, the following responses to your  
numerated comments are provided.

*Comment 1. National Pollutant Discharge Elimination System (NPDES) permit coverage maybe  
required for this project. The Clean Water Branch should be contacted at 808 586-4309.*

**Response 1.** In response to comments regarding NPDES permits, the FEIS Section III. D.  
2 (Drainage) has been revised to include the following language:

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and  
Sedimentation Control) will be submitted to the DPW for review and approval  
prior to the issuance of grubbing and grading permits. In addition, since  
Project site work will exceed one acre, a NPDES will be obtained from the  
DOH's Clean Water Branch for the discharge of storm water associated with  
construction activities. The Applicant will meet all of the requirements set forth  
by the DOH's Clean Water Branch.

*Comment 2. The noise created during the construction phase of the project may exceed the  
maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46,*

Ms. Patti Kitkowski, Chief  
DOH, Maui District  
Piilani Promenade DEIS  
Comment Response Letter  
June 13, 2017  
Page 2 of 2

*"Community Noise Control". A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808-586-4700.*

**Response 2.** In response to comments regarding noise control, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language:

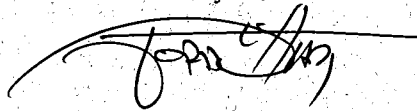
The project will comply with State Department of Health noise regulations including Chapter 11-46, HRS pertaining to "Community Noise Control" for construction activities. As stipulated by DOH permit requirements, noise-generating construction activities are not allowed on Sundays and holidays, during the early morning, and during the late evening and nighttime periods.

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

**Unnumbered Comment Response.** Copies of your letter, which included the website for the Department's Standard Comments, have been furnished to the project team for their use during the detailed planning and design phase of the project.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029

NEIL ABERCROMBIE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

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

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

October 13, 2014

Mr. Robert Poynor, Vice President  
Piilani Promenade North, LLC and  
Piilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

LAND USE COMMISSION  
STATE OF HAWAII  
2014 OCT 15 A 7:19

Re: Draft Environmental Impact Statement for the Piilani Promenade  
Island of Maui, Makawao-Wailuku Districts, TMK: 3-9-001: 016, 170-174

Dear Mr. Poynor:

The Department of Education (DOE) has reviewed the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade Project. The DEIS acknowledges your proposed project will be required to pay school impact fees. However, the school impact fee law, Chapter 302A-1601, Hawaii Revised Statutes (HRS), requires any developer of 50 or more residential units to have a written agreement with the DOE before the issuance of any land use approvals. We believe the agreement should be executed now.

The DOE would like to have clarified which judicial district its residential units will be located in. While the DEIS on page 50 states that your project is in the Makawao Cost Area, the estimated amount of all school impact fees from the project will total \$535,846 which works out to \$2,371 per unit. That is the amount of the school impact fee for the Wailuku Cost Area. A determination of the correct cost area can be settled in the written agreement.

The DOE has no further concerns about the proposed project at this time. If you have any further questions, please contact Heidi Meeker of the Planning Section, Facilities Development Branch at (808) 377-8301.

Respectfully,

A handwritten signature in black ink, appearing to read "Kenneth G. Masden", is written over a horizontal line.

Kenneth G. Masden  
Public Works Manager  
Planning Section

KGM:jmb

c: Daniel E. Orodener, Executive Officer, State Land Use Commission  
✓ Brett Davis, Chris Hart & Partners, Inc.



April 17, 2017

Mr. Kenneth G. Masden II, Public Works Manager  
Planning Section, DOE  
P.O. Box 2360  
Honolulu, HI 96804

Dear Mr. Masden,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 13, 2014. In responding to your comments on the DEIS, we would like to note the following.

**Response 1:** In response to comments regarding school impact fees, the FEIS Section III. C. 4 (Schools) has been revised to include the following language:

The Applicant had discussions with the DOE on the Project and is still designing the rental apartment portion of the Project and will enter into a written agreement with the DOE after the EIS and LUC review process has concluded.

To clarify, there was an estimation of the impact fee error in the DEIS and Economic and Fiscal Impact Analysis. The Project site contains land located within the Makawao Cost Area, and the appropriate school impact fee amount will be settled in the written agreement.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan E. Hart', is written over the word 'Sincerely,'.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



WILLIAM J. AHLA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

October 3, 2014

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OCT - 6 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Druitt  
136029

Piilani Promenade North, LLC & Piilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
ATTENTION: Mr. Robert Poynor, Vice President  
8115 Preston Road, Suite 400  
Dallas, TX 75225

Chris Hart & Partners, Inc.  
ATTENTION: Mr. Jordan E. Hart, President  
115 North Market Street  
Wailuku, Hawaii 96793

Dear Messrs. Poynor and Hart:

SUBJECT: Piilani Promenade

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Commission on Water Resources Management, (b) State Historic Preservation Division, and (c) Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin E. Moore".

Kevin E. Moore  
Acting Land Administrator

Enclosure(s)  
cc: Central Files





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 27, 2014

MEMORANDUM

TO:

**DLNR Agencies:**

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

FROM:

Kevin E. Moore, Acting Land Administrator

SUBJECT:

Piilani Promenade

LOCATION:

Makawao – Wailuku Districts; TMK: (2) 3-9-001:016, 170-174

APPLICANT:

Piilani Promenade North LLC & Piilani Promenade South LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document which can be located here:

<https://sp01.ld.dlnr.hawaii.gov/LD/> (then click on "Request for Comments", then click on the subject link.

Username: LD/Visitor

Password: 0pa\$\$word0 (first and last characters are zeros, not O's)

There are 3 files: DEIS Vol 1\_Text Figures – Appendix A; DEIS Vol 2 – Appendix B-H, and DEIS Vol 3 - Appendix I-N. Please submit any comments by **October 3, 2014**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed:

Print Name:

Date:

LENORE N. OHYE, Acting Deputy Director

cc: Central Files

RFD 4041.6  
11782



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Kevin E. Moore, Acting Land Administrator  
State of Hawaii  
Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Moore,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 3, 2014 which notes that the Land Division has provided copies of the DEIS to various Divisions within the Department for their review and comment.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029





STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
**COMMISSION ON WATER RESOURCE MANAGEMENT**  
P.O. BOX 621  
HONOLULU, HAWAII 96809

September 10, 2014

REF: RFD.4041.6

TO: Russell Tsuji, Administrator  
Land Division

FROM: William M. Tam, Deputy Director *William M. Tam*  
Commission on Water Resource Management

SUBJECT: Piilani Promenade, Makawao-Wailuku Districts

FILE NO.:

TMK NO.: (2) 3-9-001:016, 170-174

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrn>.

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☐ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☒ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>

- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at [http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf)
- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

Additional information and forms are available at [http://hawaii.gov/dlnr/cwrn/info\\_permits.htm](http://hawaii.gov/dlnr/cwrn/info_permits.htm).

- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. A Well Construction Permit(s) is (are) required before any well construction work begins.
- ☐ 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 14. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
- ☐ 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
- ☐ 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- ☒ OTHER:  
Planning Response: We note that the document indicates that, upon the availability of R-1 reclaimed water, well water use will be replaced by reclaimed water to meet non-potable needs. CWRM encourages this conversion to an alternative water source.

Ground Water Response: The Iao Aquifer System Area has an approved sustainable yield of 20 mgd. 19.089 mgd have been allocated. Another 1.635 mgd are requested in pending applications, which together with the existing allocations exceed the aquifer's sustainable yield.

Increased withdrawals above 4 mgd from the Waihee Aquifer System Area under the current well configuration may result in an initiation of ground water management area designation by CWRM.

There is an existing well, Well No. 6-4626-002, that was drilled in the Kamaole Aquifer System Area in 2012 for Piilani Promenade LLC and is equipped with a 150 gpm pump (0.216 mgd). This well is proposed to meet non-potable needs in the short-term. As noted above, CWRM recommends that reclaimed water be utilized to meet the development's long-term non-potable needs

If there are any questions, please contact Lenore Ohye of the Planning Branch at 587-0216 or W. Roy Hardy of the Ground Water Regulation Branch at 587-0225.



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. William M. Tam, Deputy Director  
State DLNR – CWRM  
PO Box 621  
Honolulu, HI 96809

Dear Mr. Tam:

**RE:** Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of September 10, 2014, our responses to your numerated comments are provided below.

*CWRM Comment 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.*

**Response 1.** Copies of the Draft EIS were furnished to the Maui Planning Department and Maui Department of Water Supply (DWS) so that information about the proposed project can be incorporated into the County's Water Use and Development Plan. The Applicant will also provide copies of the Final EIS to the Departments.

*CWRM Comment 2 & 3. Not Applicable*

*CWRM Comment 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/>.*

**Response 4.** The Applicant has reviewed the EPA website and will implement water efficient practices wherever possible to reduce the demand on water resources as a result of the proposed project.

In response to comments regarding conservation measures, the FEIS Section III. D. 5. (Electrical) has been revised to include the following language:

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water.

*CWRM Comment 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.*

**Response 5.** In response to comments regarding stormwater runoff, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4

"Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11  
"Rules for the Design of Storm Water Treatment Best Management Practices."

#### **Water Quality Measures**

Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. Both "flow through" and "detention based" treatments will be employed by Pi'ilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

The proposed stormwater detention improvements will accommodate and mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control.

*CWRM Comment 6. We recommend the use of alternative water sources, wherever practicable.*

**Response 6.** In response to comments regarding water, the FEIS Section III. D. 3 (Water) has been revised to include the following language:

The Pi'ilani Promenade will consume on average of 252,000 gpd at build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of non-drinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The

irrigation well for landscaping is expected withdraw 81,000 gpd and this limited amount of water is not anticipated to significantly impact the Kamaole Aquifer from recharging. In the future, when the County reclaimed water line is extended north towards the Project site, the Applicant will connect to the R-1 water source for irrigation water eliminating the need for the brackish irrigation well.

*CWRM Comment 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/programs/achieving-efficiency/green-business-program>.*

**Response 7.** The Applicant has reviewed the Hawaii Green Business Program and is considering participation in the program.

*CWRM Comment 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at [http://landscapehawaii.org/library/documents/lich\\_irrigation\\_conservation\\_bmps.pdf](http://landscapehawaii.org/library/documents/lich_irrigation_conservation_bmps.pdf)*

**Response 8.** In response to comments regarding conservation measures, the FEIS Section III. D. 5. (Electrical) has been revised to include the following language:

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water.

#### **Other Comments**

*Planning Response: We note that the document indicates that, upon the availability of R-1 reclaimed water, well water use will be replaced by reclaimed water to meet non-potable needs. CWRM encourages this conversion to an alternative water source.*

*Ground Water Response: The Iao Aquifer System Area has an approved sustainable yield of 20 mgd. 19.089 mgd have been allocated. Another 1.635 mgd are requested in pending applications, which together with the existing allocations exceed the aquifer's sustainable yield.*

*Increased withdrawals above 4 mgd from the Waihee Aquifer System Area under the current well configuration may result in an initiation of ground water management area designation by CWRM.*

*There is an existing well, Well No. 6-4626-002, that was drilled in the Kamaole Aquifer System Area in 2012 for Piilani Promenade LLC and is equipped with a 150 gpm pump (0.216 mgd). This well is proposed to meet non-potable needs in the short-term. As noted above, CWRM recommends that reclaimed water be utilized to meet the development's long-term non-potable need.*

**Response.** In response to comments regarding water, the FEIS Section III. D. 3 (Water) has been revised to include the following language:

The Pi'ilani Promenade will consume on average of 252,000 gpd at build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of non-drinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report")

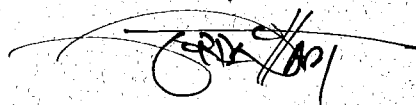
As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The irrigation well for landscaping is expected withdraw 81,000 gpd and this limited amount of water is not anticipated to significantly impact the Kamaole Aquifer from recharging. In the future, when the County reclaimed water line is extended north towards the Project site, the Applicant will connect to the R-1 water source for irrigation water eliminating the need for the brackish irrigation well.

Thank you again, for providing us with your letter. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029





14 AUG 27 PM 2:53 ENGINEERING

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 27, 2014

MEMORANDUM

TO: FR

**DLNR Agencies:**

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

TO: FROM: Kevin E. Moore, Acting Land Administrator *[Signature]*  
SUBJECT: Piilani Promenade  
LOCATION: Makawao – Wailuku Districts; TMK: (2) 3-9-001:016, 170-174  
APPLICANT: Piilani Promenade North LLC & Piilani Promenade South LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document which can be located here:

<https://sp01.ld.dlnr.hawaii.gov/LD/> (then click on "Request for Comments", then click on the subject link.

Username: LD/Visitor

Password: 0pa\$\$word0 (first and last characters are zeros, not O's)

There are 3 files: DEIS Vol 1 Text Figures – Appendix A; DEIS Vol 2 – Appendix B-H, and DEIS Vol 3 - Appendix I-N. Please submit any comments by **October 3, 2014**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed:  
Print Name:  
Date:

*Chris J. Johnson*  
*Corby S. Chang, Chief Engineer*  
9/29/14

cc: Central Files



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

**LD/ Kevin E. Moore**

**Ref.: DEIS for Piilani Promenade, Makawao-Wailuku Districts  
Maui.024**

**COMMENTS**

- (X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X.**
- ( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is also located in Zone \_\_\_\_.
- ( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is \_\_\_\_.
- ( ) Please note that the project site must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- ( ) Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- ( ) Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- ( ) Mr. Carolyn Cortez at (808) 270-7253 of the County of Maui, Department of Planning.
- ( ) Mr. Stanford Iwamoto at (808) 241-4896 of the County of Kauai, Department of Public Works.
- ( ) The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- ( ) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- ( ) Additional Comments: \_\_\_\_\_
- ( ) Other: \_\_\_\_\_

Should you have any questions, please call Mr. Dennis Imada of the Planning Branch at 587-0257.

Signed: \_\_\_\_\_

  
CARTY S. CHANG, CHIEF ENGINEER

Date: \_\_\_\_\_





# State of Hawaii FLOOD HAZARD ASSESSMENT REPORT



## NATIONAL FLOOD INSURANCE PROGRAM

### FLOOD ZONE DEFINITIONS

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** – The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water-surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

- Zone A:** No BFE determined.
- Zone AE:** BFE determined.
- Zone AH:** Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
- Zone AO:** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
- Zone V:** Coastal flood zone with velocity hazard (wave action); no BFE determined.
- Zone VE:** Coastal flood zone with velocity hazard (wave action); BFE determined.
- Zone AEF:** Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

**NON-SPECIAL FLOOD HAZARD AREA** – An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

- Zone XS (X shaded):** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone X:** Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

- Zone D:** Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

### PROPERTY INFORMATION

**COUNTY:** MAUI  
**TMK NO:** (2) 3-9-001-016  
**PARCEL ADDRESS:** PII LANI HWY  
KIHEI, HI 96753  
**FIRM INDEX DATE:** SEPTEMBER 19, 2012  
**LETTER OF MAP CHANGE(S):** NONE  
**FEMA FIRM PANEL(S):**  
1500030586F-SEPTEMBER 19, 2012  
1500030580F-SEPTEMBER 19, 2012

**PARCEL DATA FROM:** JULY 2013  
**IMAGERY DATA FROM:** MAY 2005

### IMPORTANT PHONE NUMBERS

**County NFIP Coordinator**  
County of Maui  
Carolyn Cortez (808) 270-7253  
**State NFIP Coordinator**  
Carol Tyau-Beam, P.E., CFM (808) 587-0267

*Disclaimer: The Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use of the information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR from any liability, which may arise from its use.*

*If this map has been identified as 'PRELIMINARY' or 'UNOFFICIAL', please note that it is being provided for informational purposes and is not to be used for official/legal decisions, regulatory compliance, or flood insurance rating. Contact your county NFIP coordinator for flood zone determinations to be used for compliance with local floodplain management regulations.*



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Carty S. Chang, Chief Engineer  
State of Hawaii, DLNR, Engineering Division  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Chang,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

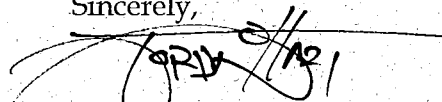
Thank you for your letter of September 29, 2014 which transmitted the comments of the Department's Engineering Division.

*Unnumbered Comment 1. We confirm that the project site, according to the Flood Insurance Rate Map, (FIRM), is located in Flood Zone X. The National Flood Insurance Program (NFIP) does not regulate developments within Zone X.*

**Unnumbered Response 1.** Thank you for confirming that the proposed project site is located in Flood Zone X, an area appropriate for development.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

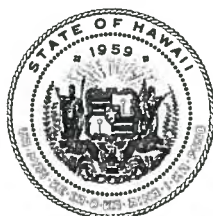


Jordan E. Hart, President

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

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

September 19, 2014

Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
Via email to: [JHart@chpmaui.com](mailto:JHart@chpmaui.com)

LOG NO: 2014.03806  
DOC NO: 1409MD41  
Archaeology

Aloha Mr. Hart,

SUBJECT: **Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Environmental Impact Statement for the Piilani Promenade  
Ka'ono'ulu Ahupua'a, Makawao District, Island of Maui  
TMK (2) 3-9-001:016, 170-174**

Thank you for correspondence regarding the above, which we received on August 21, 2014. This DEIS has been prepared in advance of the proposed Piilani Promenade project in Kihei.

A search of our records indicates that an archaeological inventory survey (AIS) was conducted for the new proposed area of potential effect (APE) in 2014. However, it has not yet been reviewed or accepted by SHPD because it was not submitted to us prior to the receipt of the DEIS. This means that at this time we are unable to determine whether further mitigation is needed (data recovery plan, preservation plan, and/or archaeological monitoring plan). The review letters included with Appendix F are not for the new APE, they are for the old one and do not apply to the project in its current form. In addition, text in the DEIS appears to indicate that the archaeological work for the gulch area in the new APE has not been incorporated into the updated 2014 AIS; if that is the case it is likely that the AIS will need to be revised to incorporate it as the current recommendation for this project is to prepare an AIS for the entire APE.

Therefore, at this time **we determine that historic properties may be affected** for this proposed project until archaeological mitigation is complete. We will inform your office when the SHPD reviews have been completed regarding the results of the survey and resulting mitigation commitments.

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns regarding this letter.

Mahalo,

A handwritten signature in black ink that reads "Morgan E. Davis".

Morgan E. Davis  
Lead Archaeologist, Maui Section

cc: County of Maui  
Department of Planning  
via email to: [Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

Renee Segundo, Supervising Building Permit Clerk  
County of Maui, Development Services Administration  
via email to: [Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us)

Annalise Kehler, County of Maui  
Cultural Resources Commission  
via email to: [Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)



April 17, 2017

Mr. Matthew Fariss, PhD, Maui Section  
State DLNR - SHPD  
601 Kamokila Boulevard, Room 555  
Kapolei, HI 96707

Dear Mr. Fraiss,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.  
LOG NO: 2014.03806 DOC NO: 1409MD41

Thank you for your office's letter dated September 19, 2014. A revised Archaeological Inventory Survey (AIS) dated August 26, 2015 was accepted as final in the attached letter dated January 6, 2016.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

Jordan E. Hart, President

ENCLOSURES (1)

1. AIS acceptance letter dated January 6, 2016

CC: Mr. Charles Jencks, Ownership Representative  
Mr. Erik Fredericksen, Archaeologist  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

January 6, 2016

Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 N. Market Street  
Wailuku, Hawaii 96793  
Via email to: [JHart@chpmaui.com](mailto:JHart@chpmaui.com)

Log No: 2015.03310  
Doc No: 1601MD08  
Archaeology

Aloha Mr. Hart:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Inventory Survey for the Piilani Promenade Project  
Ka‘ono‘ulu Ahupua‘a, Wailuku and Makawao Districts, Island of Maui  
TMK (2) 2-2-002:016, 077 and 082 and 3-9-001:016, 148, 169-174 and 3-9-048:122**

Thank you for the opportunity to review the draft report titled *An Archaeological Inventory Survey for On- and Off-Site Improvements Associated with the Proposed Piilani Promenade Project, and Updated Recommendations for Sites Identified in a 1994 Archaeological Inventory Survey, Ka‘ono‘ulu Ahupua‘a, Wailuku and Makawao Districts, Island of Maui (On-site TMK (2) 3-9-001: 16, 169-174, and off-site TMK (2) 2-2-002: 016, 077 and 082, (2) 3-9-001: 148, (2) 3-9-048: 122)* by Fredericksen (Revised August 2015). We received the draft plan submittal on September 2, 2015 and apologize for the delayed review. We requested revisions to an earlier draft of this report on May 2015 (*Log No. 2014.04433, Doc No. 1505MD54*).

This report was prepared for Mr. Robert Poynor of Sarofim Realty Advisors in advance of planned construction of commercial development of 74.871 acres (including off-site effected areas the total acreage for this survey was 101.658 acres) located *mauka* of Piilani Highway in North Kihei on Maui Island. An archaeological inventory survey (AIS) was originally conducted for this project in the early 1990s; however, following changes both to the land and to the project's anticipated area of potential effect a revised survey report has been prepared as part of the environmental impact statement pursuant to the Hawai'i Revised Statutes § 343 requirements following the recommendation of SHPD.

Fieldwork for the subject AIS was initially conducted in January and February of 2014 by three archaeologists with Erik M. Fredericksen, M.A. as the principal investigator. Three shovel-test pits were manually excavated. Twenty historic properties were identified in the earlier 1994 AIS associated with this project; all were re-identified during the current survey following a second period of fieldwork in July and August 2015. Results of consultation and information previously requested by SHPD regarding required changes to County utilities have been included as Appendices.

One new site was identified, State Inventory of Historic Places (SIHP) 50-50-10-8266. SIHP 8266 has been identified as a pre-Contact temporary habitation area, significant under criterion "d" for its information content. We concur with that assessment. Data recovery has been recommended as mitigation and we concur with that recommendation.

The original 1994 AIS identified 20 SIHPs; two of those, SIHP 3734 and 3739, have since been destroyed/lost. For the remaining SIHPs 3727-3733, 3735-3738 and 3740-3745 were all previously determined eligible for their information content under criterion "d." Of these 18 sites, one was removed in late 1994 (SIHP 3746); seven (7) are recommended for no further work (SIHPs 3730, 3731, 3733, 3737, 3738 and 3740); while the remaining 12 (SIHPs 3727-3729, 3732, 3735, 3736 and 3741-3745) have been recommended for data recovery. We concur with these recommendations and look forward to reviewing an archaeological data recovery plan which will also include the newly-identified SIHP 8266 for a total of thirteen (13) historic properties.

Revisions we previously requested, including results from additional fieldwork recommended in consultation with concerned citizen groups, have been adequately addressed. The draft AIS meets the requirements specified in Hawai'i Administrative Rule §13-276 and is accepted as final. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

cc:	County of Maui Department of Planning <a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a>	County of Maui Department of Public Works – DSA <a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a>	County of Maui Cultural Resources Commission <a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a>
	Robert Poynor, V.P. Sarofim Realty Advisor <a href="mailto:cjenks@pacificrimland.com">cjenks@pacificrimland.com</a>	Erik M. Fredericksen, M.A. Xamanek Researches, LLC <a href="mailto:xamanekresearchesllc@gmail.com">xamanekresearchesllc@gmail.com</a>	



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

FORD N. FUCHIGAMI  
INTERIM DIRECTOR

Deputy Directors  
RANDY GRUNE  
AUDREY HIDANO  
ROSS M. HIGASHI  
JADINE URASAKI  
IN REPLY REFER TO:

HWY-PS 2.8170

October 6, 2014

RECEIVED

OCT - 8 2014

Mr. Jordan E. Hart  
President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Hawaii 96793-1717

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

*RC, Brett 10/29*

Dear Mr. Hart:

Subject: Traffic Impact Analysis Report (June 6, 2014)  
Piilani Promenade, Kihei, Maui  
TMK: (2) 3-9-001:016, 170-174

Thank you for the opportunity to review the Traffic Impact Analysis Report (TIAR) for Piilani Promenade, prepared by Phillip Rowell Associates, dated June 6, 2014. Based on the TIAR, the proposed Piilani Promenade will be located on two parcels, designated as the North parcel and South parcel, adjacent to and on the east side of Piilani Highway. The North parcel will consist of approximately 100,000 square feet of business commercial, 226 rental apartment units, and 5 acres of light industrial uses, and the South parcel will consist of approximately 430,000 square feet of business commercial uses. The primary access to and from the project will be provided by an extension of Kaonoulu Street on the east side of Piilani Highway, State Route 31 to be provided by the project. Access to North and South parcels will be via four driveways to the extension of Kaonoulu Street. There is no direct access to Piilani Highway.

The TIAR also includes an analysis with the Honuaula Affordable Housing project, which will consist of 125 condominium and 125 apartment units. The affordable housing project is being developed by a different entity, but is part of the property subject to State Land Use Commission, Docket No. A94-706, and dependent on Piilani Promenade for access to Piilani Highway from the easterly extension of Kaonoulu Street.

We have the following comments:

1. Drive B South and Drive B North are too close to the Piilani Highway/Kaonoulu Street intersection.
2. The forecasted future background traffic volumes should include the Kihei Residential and the Downtown Kihei (Krauz) development or a discussion justifying why these projects were not included.



3. The 2018 background Level of Service (LOS) analysis includes several transportation improvements at the Piilani Highway/Ohukai Road intersection and Piilani Highway/Kaiwahine Street/Uwapo Road intersection that were assumed to be in place. For this assumption to be considered valid, the TIAR must confirm by whom and when these improvements are programmed or committed to be constructed. Otherwise, these improvements cannot be assumed to be in place or Piilani Promenade must commit to providing the improvements.
4. Tables 10 through 14 in the TIAR should include reference to the applicable ITE code for developing the trip generation for each land use. We note that the net new trips generated by the North Parcel's retail land use, as indicated in Table 15, is not consistent for a 100,000 square foot size development.
5. The application of the pass-by trips appears to be incorrect since access to the development would be more typically classified as diverted link trips being that all trips to Piilani Promenade would be via the Piilani Highway and Kaonuolu Street intersection. However, the Department of Transportation (DOT) may consider allowing trip reductions to be applied in determining the net new trips generated, with justification.
6. The methodology used to develop the AM peak hour pass-by trips in Table 15 based on Table 11, which indicates that no formula was provided, must be validated.
7. Trip distribution (75% Kihei and south Maui, 25% north) is acceptable. However, Indicate how the northern traffic will also impact Piilani Highway, not just Mokulele Highway, State Route 311, and North Kihei Road, State Route 310.
8. For consistency, regional traffic growth factors must be applied to all analyzed movements not just through movements.
9. Piilani Promenade shall provide satisfactory pedestrian connections between the project and Kihei High School.
10. The discussion for acceptable LOS on Piilani Highway, State Route 31, does not reflect current DOT requirements. It implies that LOS E or F on minor approaches is acceptable as a default threshold. Existing LOS conditions worse (lower) than D are generally not acceptable by the DOT. In accordance with the DOT guidelines, the Applicant shall mitigate all transportation impacts due to the project in order to maintain the satisfactory traffic operating LOS and delay levels at the without the project conditions for the horizon (background) year. In addition, should the background year LOS without the project be lower than the desirable DOT threshold of LOS D, the Applicant may be required to provide mitigation improvements to improve the State facilities to LOS D or better with the project condition.

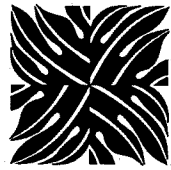
11. Piilani Promenade shall provide all transportation mitigation improvements recommended in the TIAR that is accepted by the DOT, and at no cost to the State.
12. We are concerned about when the Honuaula Affordable Housing project will actually be constructed. The TIAR included Piilani Promenade and Honuaula Affordable Housing in its analysis with 2018 as the common background year, but no information about the plans for the actual buildout of the Affordable Housing project was provided. If the actual development year is different from Piilani Promenade, an updated TIAR will be required to determine what impacts the Affordable Housing project may have at its buildout year and any additional improvements that are required shall be provided by its developer, and at no cost to the State.

If there are any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch at (808) 587-1830. Please reference file review number PS 2014-130 in all contacts and correspondence regarding these comments.

Very truly yours,



FORD N. FUCHIGAMI  
Interim Director of Transportation



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Ford N. Fuchigami, Director  
State of Hawaii, Dept. of Transportation  
869 Punchbowl Street  
Honolulu, HI 96813-5097

Dear Mr. Fuchigami,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 6, 2014. The following responses to your numerated comments are provided:

*Comment 1. Drive B South and Drive B North are too close to the Piilani Highway/Kaonoulu Street intersection.*

**Response 1:** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui. (See: Appendix M-1, "Traffic Impact Analysis Report Update, dated December 20, 2016").

In response to comments regarding project driveways, consultation with the State DOT acknowledged that the proposed driveways are acceptable to leave in their current location. (See attached: Hawaii Department of Transportation Comment-Response Matrix)

*Comment 2. The forecasted future background traffic volumes should include the Kihei Residential and the Downtown Kihei (Krauz) development or a discussion justifying why these projects were not included.*

**Response 2:** In response to comments regarding other developments, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Other Project Related Volumes**

The addition of trips resulting from the surrounding area projects are shown in Table No. 7. This data was taken from the respective traffic impact analysis reports or calculated.

**Table No. 7: Other Project Related Trips**

<u>Project Name</u>	<u>AM Peak Hour</u>			<u>PM Peak Hour</u>			<u>Saturday Peak Hour</u>		
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
<u>Kaiwahine Village</u>	<u>10</u>	<u>50</u>	<u>60</u>	<u>47</u>	<u>23</u>	<u>70</u>	<u>42</u>	<u>35</u>	<u>77</u>
<u>Maui Lu Resort</u>	<u>213</u>	<u>103</u>	<u>316</u>	<u>157</u>	<u>206</u>	<u>363</u>	<u>157</u>	<u>206</u>	<u>363</u>
<u>Kihei High School Phase 1</u>	<u>228</u>	<u>108</u>	<u>336</u>	<u>49</u>	<u>55</u>	<u>104</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Kihei High School Phase 2</u>	<u>243</u>	<u>114</u>	<u>357</u>	<u>52</u>	<u>59</u>	<u>111</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Kenolio Apartments</u>	<u>19</u>	<u>76</u>	<u>95</u>	<u>78</u>	<u>42</u>	<u>120</u>	<u>47</u>	<u>48</u>	<u>95</u>
<u>Kihei Residential</u>	<u>213</u>	<u>403</u>	<u>616</u>	<u>405</u>	<u>332</u>	<u>737</u>	<u>330</u>	<u>311</u>	<u>641</u>
<u>Krauz Development</u>	<u>143</u>	<u>78</u>	<u>221</u>	<u>249</u>	<u>270</u>	<u>519</u>	<u>338</u>	<u>305</u>	<u>643</u>
	<u>87</u>	<u>55</u>	<u>142</u>	<u>259</u>	<u>270</u>	<u>529</u>	<u>361</u>	<u>333</u>	<u>694</u>
<u>Honua'ula Affordable Housing</u>	<u>24</u>	<u>103</u>	<u>127</u>	<u>104</u>	<u>54</u>	<u>158</u>	<u>78</u>	<u>71</u>	<u>149</u>

*Comment 3. The 2018 background Level of Service (LOS) analysis includes several transportation improvements at the Piilani Highway/Ohukai Road intersection and Piilani*

*Highway Kaiwahine Street/Uwapo Road intersection that were assumed to be in place. For this assumption to be considered valid, the TIAR must confirm by whom and when these improvements are programmed or committed to be constructed. Otherwise, these improvements cannot be assumed to be in place or Piilani Promenade must commit to providing the improvements.*

**Response 3:** In response to comments regarding other projects, consultation with the State DOT acknowledged that the proposed driveways are acceptable to leave in their current location. (See attached: Hawaii Department of Transportation Comment-Response Matrix)

The Pi'ilani Highway/Ohukai intersection improvements were constructed late 2015. Pi'ilani Highway/Uwapo intersection improvements have not been made and programming is not known.

In response to comments regarding improvement assumptions, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Future Roadway Construction**

Planned construction in the area includes the North-South Collector Road, between Kaonoulu Street and Waipuiani Road, as well as the proposed mauka roadway, between Ohukai Road and Lipoa Street. These roads will add additional capacity and should help alleviate the vehicle demand on Pi'ilani Highway. However, without additional information on timing, these projects were not included in the future analysis.

*Comment 4. Tables 10 through 14 in the TIAR should include reference to the applicable ITE code for developing the trip generation for each land use. We note that the net new trips generated by the North Parcel's retail land use, as indicated in Table 15, is not consistent for a 100,000 square foot size development.*

**Response 4:** In response to comments regarding ITE codes, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Trip generation land use codes used for the Project are as follows:**

- Shopping Center [820]: A shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. A shopping center's composition is related to its market area in terms of size, location and type of store. A shopping center also provides on-side parking facilities sufficient to serve its own parking demands.

- General Light Industrial [110]: Light industrial facilities are free-standing facilities devoted to a single use. The facilities have an emphasis on activities other than manufacturing and typically have minimal office space. Typical light industrial activities include printing, material testing and assembly of data processing equipment.
- Apartment [220]: Apartments are rental dwelling units located within the same building with at least three other dwelling units, for example, quadrplexes and all types of apartment buildings. The studies included in this land use did not identify whether the apartments were low-rise, mid-rise, or high-rise.

*Comment 5. The application of the pass-by trips appears to be incorrect since access to the development would be more typically classified as diverted link trips being that all trips to Piilani Promenade would be via the Piilani Highway and Kaonuolu Street intersection.*

*However, the Department of Transportation (DOT) may consider allowing trip reductions to be applied in determining the net new trips generated, with justification.*

**Response 5:** the TIAR update includes an analysis of the pass-by trips is located in table no. 16 of the TIAR update located in Appendix M-1.

The percentage of pass-by trips generated by the commercial use was estimated using the data provided in the Trip Generation Handbook, 2<sup>nd</sup> Edition. The pass-by trip reduction rates used for the AM, PM and Saturday Peak hours is 10%, 24% and 39% respectively. No pass-by reduction factors were applied to the industrial or apartment trips generated. No diverted trips were accounted for in the analysis. Table no. 16 of the TIAR update provides a breakdown of the primary and pass-by trips generated, including 2025, 2032, and then the project total.

*Comment 6. The methodology used to develop the AM peak hour pass-by trips in Table 15 based on Table 11, which indicates that no formula was provided, must be validated.*

**Response 6:** In response to comments regarding trip generation methodology, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Trip Generation Methodology**

The proposed mixed-use development is planning to include commercial, light industrial and affordable apartment units. Resulting trip generation for the Project was calculated using Trip Generation, 8<sup>th</sup> Edition (ITE, 2008) and related trip generation rates are shown in Table No. 10.

*Comment 7. Trip distribution (75% Kihei and south Maui, 25% north) is acceptable. However, indicate how the northern traffic will also impact Piilani Highway, not just Mokulele Highway, State Route 311, and North Kihei Road, State Route 310.*

**Response 7:** As noted in the TIAR update, the 25% of the project generated traffic will approach and depart via Mokulele Highway (10%) and North Kihei Road (15%). Of the 15% from North Kihei Road, 10% will use North Kihei Road to Pi'ilani Highway and then Pi'ilani Highway to the project. The remaining 5% will use South Kihei Road and Kaonoulou Street.

*Comment 8. For consistency, regional traffic growth factors must be applied to all analyzed movements not just through movements.*

**Response 8:** as noted in the TIAR update, According to the *Maui Long Range Land Transportation Plan* model (CH2M Hill/HDOT, 2013), traffic volumes along Pi'ilani Highway are projected to increase an average of 1.25% per year from 2007 to 2020 and 1.24% per year from 2020 to 2035. The annual compounded growth rate along South Kihei Road was 3.60% from 2007 to 2020 and 2.05% from 2020 to 2035. These growth rates were used to calculate the projected background growth from 2016 to 2025 and from 2025 to 2032.

The respective growth factors were applied to the northbound and southbound through traffic movements along Pi'ilani Highway and South Kihei Road at the study intersections. Intersection turning movement traffic volumes are considered a reflection of individual project trips and not regional growth, and therefore no ambient growth rate was applied.

*Comment 9. Piilani Promenade shall provide satisfactory pedestrian connections between the project and Kihei High School.*

**Response 9:** In response to comments regarding connectivity to the Kihei High School, the FEIS Section V. C. Cumulative and Secondary Impacts has been revised to include the following language.



## 5. Pedestrian Connection to the Kihei High School

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.

*Comment 10. The discussion for acceptable LOS on Piilani Highway, State Route 31, does not reflect current DOT requirements. It implies that LOS E or F on minor approaches is acceptable as a default threshold. Existing LOS conditions worse (lower) than D are generally not acceptable by the DOT. In accordance with the DOT guidelines, the Applicant shall mitigate all transportation impacts due to the project in order to maintain the satisfactory traffic operating LOS and delay levels at the without the project conditions for the horizon (background) year. In addition, should the background year LOS without the project be lower than the desirable DOT threshold of LOS D, the Applicant may be required to provide mitigation improvements to improve the State facilities to LOS D or better with the project condition.*

**Response 10:** In response to comments regarding mitigation measures, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Recommended Project Mitigation Measures**

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Piilani Highway. Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

*Comment 11. Piilani Promenade shall provide all transportation mitigation improvements recommended in the TIAR that is accepted by the DOT, and at no cost to the State.*

**Response 11:** The Piilani Promenade will pay for and provide transportation mitigation improvements recommended in an accepted TIAR by the DOT.

*Comment 12. We are concerned about when the Honuauula Affordable Housing project will actually be constructed. The TIAR included Piilani Promenade and Honuauula Affordable Housing in its analysis with 2018 as the common background year, but no information about the plans for the actual build out of the Affordable Housing project was provided. If the actual development year is different from Piilani Promenade, an updated TIAR will be required to determine what impacts the Affordable Housing project may have at its build out year and any additional improvements that are required shall be provided by its developer, and at no cost to the State.*

**Response 12:** In response to comments regarding project driveways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Impacts of Honua'ula**

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further, the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125units) and Residential Condominium/Townhouse (125 units) from the Trip Generation, 8th Edition (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.

- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for **With Project** includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with


Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

~~The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.~~

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,



Jordan E. Hart, President

CC:

Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

## Hawaii Department of Transportation Comment-Response Matrix

10/6/14 - HDOT Comment	8/11/15 - PRA Response	2/2/16 - SSFM Proposed Action	2/19/16 - HDOT Response (Nami Wong)	2/22/16 - SSFM Response
1 Drive B South and Drive B North are too close to the Piilani Highway/Kaonolu Street intersection.	Acknowledged.	Need to define acceptable from State standpoint so can plan appropriate access control.	Leave as is; no need to move.	Ok.
2 The forecasted future background traffic volumes should include the Kihei Residential and the Downtown Kihei (Krauz) development or a discussion justifying why these projects were not included.	Acknowledged. An updated list of other known projects that will be included in the background forecasts is attached.	Have identified latest credible projects in area for consideration.	OK.	We identified 18 potential projects in the surrounding area however not enough information exists about each to consider credible. Therefore, we will include the projects PRA included in the TIAR (Kaiwaha Village, Maui Lu Resort, Kihei High School, Kenolo Affordable Housing Project) and we will also include Kihei Residential and Downtown Kihei).
3 The 2018 background Level of Service (LOS) analysis includes several transportation improvements at the Piilani Highway/Ohukai Road intersection and Piilani Highway/Kaiwaha Street/Uwapo Road intersection that were assumed to be in place. For this assumption to be considered valid, the TIAR must confirm by whom and when these improvements are programmed or committed to be constructed. Otherwise, these improvements cannot be assumed to be in place or Piilani Promenade must commit to providing the improvements.	The improvements referred to at the intersection of Piilani Highway and Ohukai Road have since been constructed. It is our understanding that these improvements were constructed at the State's expense. The improvements shown as recommended in the Piilani Promenade TIAR will be revised to reflect this improvement.	Piilani Highway/Ohukai intersection improvements were constructed late 2015. Piilani Highway/Uwapo intersection improvements have not been made and programming is not known.	Verify when improvements done or proposed, and by who.	Will look into this further however information on credibility of projects is typically assessed by County and not individual developers. If we are unable to find better information, we will default to what was previously assessed as credible.
4 Tables 10 through 14 in the TIAR should include reference to the applicable ITE code for developing the trip generation for each land use. We note that the net new trips generated by the North Parcel's retail land use, as indicated in Table 15, is not consistent for a 100,000 square foot size development.	Land Use codes will be added to the tables. The trip generation analysis for the North Parcel will be corrected. The trip generation calculations will also be revised to reflect minor changes in the development plan.	Will include information as it relates to most recent site plan.	OK.	No comment.
5 The application of the pass-by trips appears to be incorrect since access to the development would be more typically classified as diverted link trips being that all trips to Piilani Promenade would be via the Piilani Highway and Kaonolu Street intersection. However, the Department of Transportation (DOT) may consider allowing trip reductions to be applied in determining the net new trips generated, with justification.	Pass-by trips are defined as trips "attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator." Pass-by trips are not diverted from another roadway." Piilani Highway is adjacent to the project site and for all practical purposes, the intersection of Piilani Highway at Kaonolu Street is a driveway to and from the project until the Upcountry Highway is constructed.	Will use definition/rates as previously detailed from PRA.	Expand discussion of pass-by vs. diverted links.	Ok.
6 The methodology used to develop the AM peak hour pass-by trips in Table 15 based on Table 11, which indicates that no formula was provided, must be validated.	Justification will be added to the TIAR.	Will use definition/rates as previously detailed from PRA.	Justify.	Will provide discussion in report.
7 Trip distribution (75% Kihei and south Maui, 25% north) is acceptable. However, indicate how the northern traffic will also impact Piilani Highway, not just Mokuale Highway, State Route 311, and North Kihei Road, State Route 310.	Clarification is needed. Intersections along these roadways were included in the TIAR	Will update report to justify use and show how volumes are distributed.	OK.	No comment.
8 For consistency, regional traffic growth factors must be applied to all analyzed movements not just through movements.	We have modified the horizon year and expanded the list of other known projects to be included in the background projections. The new list essentially represents build out of South Maui. Recommend that the background growth rate be eliminated as suggested by State of Hawaii Department of Transportation at one of our earlier meetings.	Will follow recommendations noted by PRA.	Do own analysis based on research.	As discussed above, will include developments listed above. Then will apply growth factor to through movements along major highways (Piilani Highway, North Kihei Road and South Kihei Road). Growth factor and resulting trips will be applied to all movements dependent of study.
9 Piilani Promenade shall provide satisfactory pedestrian connections between the project and Kihei High School	A pedestrian circulation plan has been developed since the TIAR was prepared. The plan will be included in the final TIAR.	See response from PRA.	Address pedestrian refuge at intersection.	Ok.
10 The discussion for acceptable LOS on Piilani Highway, State Route 31, does not reflect current DOT requirements. It implies that LOS E or F on minor approaches is acceptable as a default threshold. Existing LOS conditions worse (lower) than D are generally not acceptable by the DOT. In accordance with the DOT guidelines, the Applicant shall mitigate all transportation impacts due to the project in order to maintain the satisfactory traffic operating LOS and delay levels at the without the project conditions for the horizon (background) year. In addition, should the background year LOS without the project be lower than the desirable DOT threshold of LOS D, the Applicant may be required to provide mitigation improvements to improve the State facilities to LOS D or better with the project condition.	Acknowledged. However, the last sentence implies that this project may be required to mitigate an unacceptable background (without project) level-of-service that is the result of traffic generated by another project.	Per latest discussions with HDOT, it is understood that LOS E/F may result at some intersections however this is a known issue which the administration has decided to address on a regional level.	*...which the administration has decided to address on a regional level." Exception taken to underscore (quotation). Project to mitigate own impacts.	Ok.
11 Piilani Promenade shall provide all transportation mitigation improvements recommended in the TIAR that is accepted by the DOT, and at no cost to the State.	Acknowledged.	See response from PRA.	OK.	Will follow up with roadway improvement projects understood to be responsibility of Piilani Promenade.
12 We are concerned about when the Honuaula Affordable Housing project will actually be constructed. The TIAR included Piilani Promenade and Honuaula Affordable Housing in its analysis with 2018 as the common background year, but no information about the plans for the actual buildout of the Affordable Housing project was provided. If the actual development year is different from Piilani Promenade, an updated TIAR will be required to determine what impacts the Affordable Housing project may have at its buildout year and any additional improvements that are required shall be provided by its developer, and at no cost to the State.	Acknowledged.	The Honuaula Affordable Housing project is a separate development and will be accounted for under "without project" conditions.	OK.	No comment.





DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
COUNTY OF MAUI

ALAN M. ARAKAWA  
Mayor

JO-ANN T. RIDAO  
Director

JAN SHISHIDO  
Deputy Director

2200 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165  
MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL: director.hhc@mauicounty.gov

September 9, 2014

RECEIVED

SEP 11 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, HI 96793-1717

CC: JKH  
13/029

Dear Mr. Hart:

**Subject: Draft Environmental Impact Statement (DEIS) for Pi'ilani  
Promenade of Maui, Hawaii. TMK's (2) 3-9-001:016, 170-174**

Thank you for the opportunity to review the Environmental Impact Statement Preparation Notice for the subject property. Based on our review, we would like to offer the following comments:

1. The above subject project is subject to Chapter 2.96 Maui County Code (MCC), Residential Workforce Housing Policy.
2. The Residential Workforce Housing Agreement for the subject project needs to be fully executed and recorded at the Bureau of Conveyances prior to final subdivision or building permit approval, whichever is applicable and occurs first.

Please call Wayde Oshiro of our Housing Division at 270-7355 if you have any questions.

Sincerely,

JO-ANN T. RIDAO  
Director of Housing and Human Concerns

c: Housing Division



April 17, 2017

Ms. Carol Reimann, Director  
County of Maui, Department of Housing and Human Concerns  
2200 Main Street, Suite 546  
Wailuku, HI 96793

Dear Ms. Reimann,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of September 9, 2014. Responses to your numerated comments are provided below.

*Comment 1. The above subject project is subject to Chapter 2.96 (MCC), Residential Workforce Housing Policy.*

**Response 1.** As mentioned in the FEIS Section III. B. 2 (Housing):

The exact rental prices for the units and allocation of units by income is unknown at this time and will be determined after the environmental review process and when the project is ready for construction. The project will comply with the affordability requirements of Chapter 2.96 MCC (Residential Workforce Housing Policy).

*Comment 2. The Residential Workforce Housing Agreement for the subject project needs to be fully executed and recorded at the Bureau of Conveyances prior to final subdivision or building permit approval, whichever is applicable and occurs first.*

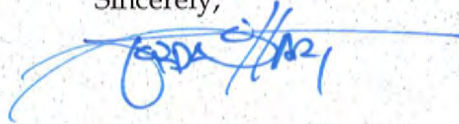
**Response 2.** In response to comments regarding housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language:

The Applicant will execute the residential workforce housing agreement with the Department prior to building permit approval.



Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jordan E. Hart', with a long horizontal flourish extending to the right.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer LUC  
Project File 13-029



**DEPARTMENT OF PARKS & RECREATION**

700 Hali'a Nako'a Street, Unit 2, Wailuku, Hawaii 96793

October 6, 2014

Mr. Robert Poynor, Vice President  
Piilani Promenade North, LLC. & Piilani Promenade South, LLC.  
c/o Sarofim Realty Advisors  
8115 Preston Road, Ste 400  
Dallas, TX 75225

Dear Mr. Poynor:

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT  
PIILANI PROMENADE, TMK: (2) 3-9-001:016, 170-174**

Thank you for the opportunity to review the Draft Environmental Impact Statement for the subject project. As indicated in our comments on the EISPN, the Piilani Promenade project is subject to parks and playgrounds assessment requirements pursuant to Section 18.16.320, Maui County Code. The applicant should coordinate discussion with our Department on how these requirements will be satisfied.

Please feel free to contact me or Karla Peters, CIP Coordinator, at (808) 270-7981, should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brianne Savage".

BRIANNE L. SAVAGE  
Interim Director of Parks and Recreation

c: Robert Halvorson, Chief of Planning and Development  
Daniel E. Orodenker, State of Hawaii Land Use Commission  
Jordan Hart, Chris Hart & Partners

BLS:RH:kp

RECEIVED

OCT - 8 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: rorrett 10/10/14



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Kaala Buenconsejo, Director  
County of Maui, Department of Parks & Recreation  
700 Hali'a Nakoa Street, Unit 2  
Wailuku, HI 96793

Dear Mr. Buenconsejo,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your comment letter of October 6, 2014.

*Comment. The proposed project is subject to the parks and playgrounds assessment requirements.*

**Response:** In response to comments regarding parks requirements, the FEIS Section III. C. 1 (Recreational Facilities) has been revised to include the following language:

The Applicant met with the County Department of Parks & Recreation on March 13, 2015 to discuss how the parks and playgrounds assessment requirements for the proposed Project can be satisfied in accordance with MCC Section 18.16.320. As a result of the meeting, the Applicant is proposing the following general changes to the on-site park space:

1. Inclusion of active play space and facilities within the park areas;
2. Inclusion of parking for park users; and
3. Possible reconfiguration of the park acreage to create a more contiguous park area.

Additionally, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off-street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options other than vehicular access, the Piilani Promenade includes a pedestrian and bike pathway system adjacent to



Mr. Kaala Buenconsejo, Director  
Piilani Promenade DEIS  
Comment Response Letter  
April 17, 2017  
Page 2 of 2

and within the Project site, as shown in Figure 15 "Conceptual Circulation Plan". The red bike lane shown in Figure 15 is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the Project site and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the Project site.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan E. Hart", with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

December 8, 2014

RECEIVED

DEC 10 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

*CC: Brock + Jordan*  
*131029*

Mr. Jordan E. Hart, President  
Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Hart:

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR  
PIILANI PROMENADE, LOCATED IN KIHAI, ISLAND OF MAUI,  
HAWAII; TMK: (2) 3-9-001:016 (RFC 2014/0073)**

The Department of Planning (Department) is in receipt of the above-referenced document and hereby provides the following comments.

1. The Department understands that the prior project consisting of a 123-lot commercial and light industrial subdivision approved by the Land Use Commission is no longer economically feasible based on current economic conditions.
2. Current plans for the project include the development of a mixed use project consisting of retail, office, business-commercial, light industrial, multi-family (226 apartment units), and public/quasi-public (park, Maui Electric Company sub-station) uses.
3. The project will be constructed in two (2) phases as market conditions warrant. Phase I will include development of the northern lot (parcel 16) which will include 100,000 square feet (sq. ft.) of business commercial uses, 226 rental apartment uses and 57,558 sq. ft. of light industrial use. Phase I will also include construction of the future Kihei Upcountry Highway as well as improving the intersection of Kaonoulu and Piilani Highway which provides access to the project. Phase II will consist of approximately 43,000 sq. ft. of business commercial uses.
4. The land use designations for the project area are as follows:
  - a. State Land Use: Urban
  - b. Kihei-Makena Community Plan: Light Industrial
  - c. County Zoning: M-1 Light Industrial (Ordinance No. 2772)
  - d. Other: Not within the Special Management Area (SMA)

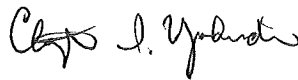
5. In 1998 Kaonoulu Ranch applied to the County of Maui for a change in zoning of the Petition area from Agriculture to M-1 Light Industrial, as required by Condition No. 1 of the Land Use Commission's 1995 Decision and Order. In 1999, County of Maui Ordinance No. 2772, Bill No 27 was passed, granting conditional zoning to the petition area. Four (4) conditions were imposed on the zoning as follows:
  - That the Applicant shall participate in intersection improvements which includes but is not limited to, traffic signals and turning lanes to the satisfaction of the Department of Transportation (DOT). The Applicant is encouraged to explore opportunities of cost share arrangements with adjacent developers.
  - That water conservation measures shall be incorporated into the design and operations of the industrial project.
  - That the Applicant shall design its landscape irrigation system to accommodate future connection to the County's effluent reuse system.
  - That the design guidelines for this project be reviewed by the Department.
6. The conditional zoning did not place any restriction on uses within the Light Industrial District.
7. The County of Maui zoning districts has a tiered zoning approach. For example, permitted uses in the M-1 light industrial district included uses that are permitted in the B-1, B-2, or B-3 business districts.
8. Apartments or multi-family units are permitted uses in the M-1 Light Industrial District and there are a number of apartment projects that have been developed over the years in Maui.
9. The Department has gone on record stating that the "Light Industrial" community plan designation allows for the uses listed in the "Light Industrial" zoning district.
10. Although the project is not located within the Special Management Area of the County, the Department would like to work with the developer on the design of the project. The Department would prefer to see well-designed buildings along the roadways as opposed to a sea of parking. We are open to meeting with the developer to achieve this end.
11. A comprehensive parking analysis looking at requirements of the property as a whole, should be submitted to the Zoning Administration and Enforcement Division of the Department at the earliest practicable time to determine the required parking for the project.

Mr. Jordan E. Hart, President  
December 8, 2014  
Page 3

12. Discuss the incorporation of sustainable energy practices in the construction of the new buildings.

Thank you for your cooperation. This list is not meant to be all inclusive with regard to permit requirements of this department. Should you require further clarification, please contact Current Planning Supervisor Ann Cua at [ann.cua@mauicounty.gov](mailto:ann.cua@mauicounty.gov) or at (808) 270-7521.

Sincerely,



CLAYTON I. YOSHIDA, AICP  
Planning Program Administrator

*for* WILLIAM SPENCE  
Planning Director

xc: Pamela M. Pogue, Planning Program Administrator (PDF)  
Ann T. Cua, Current Planning Supervisor (PDF)  
Kurt F. Wollenhaupt, Staff Planner (PDF)  
Maui Planning Commission  
Project File  
General File

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**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. William Spence, Director  
County of Maui, Department of Planning  
250 South High Street  
Wailuku, HI 96793

Dear Mr. Spence,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Pi'ilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of December 8, 2014; I am pleased to provide the following responses to your numerated comments.

*Comments 1,2,4-9. No specific comment to respond to.*

*Comment 3. The project will be constructed in two (2) phases as market conditions warrant. Phase I will include development of the northern lot (parcel 16) which will include 100,000 square feet (sq. ft.) of business commercial uses, 226 rental apartment uses and 57,558 sq. ft. of light industrial use. Phase I will also include construction of the future Kihei Upcountry Highway as well as improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase II will consist of approximately 43,000 sq. ft. of business commercial uses.*

**Response 3.** In response to comments regarding development phasing, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:

It is anticipated that the Pi'ilani Promenade project will be constructed in ~~two (2)~~ three (3) phases upon receipt of LUC approval and as market conditions warrant.

~~Phase one is the Pi'ilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.~~

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUH) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank,

the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

Phase ~~two~~ three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Pi'ilani Promenade will be obtained by in the second quarter of 2016~~2017~~ and construction for Phase 1 ~~and 2~~ is expected to be completed in 2018. Phase 2 and Phase 3 developments are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.

*Comment 10. Although the project is not located within the Special Management Area of the County, the Department would like to work with the developer on the design of the project. The Department would prefer to see well-designed buildings along the roadways as opposed to a sea of parking. We are open to meeting with the developer to achieve this end.*

**Response 10.** In response to comments regarding Project design, the FEIS Section III. 9. (Visual Resources) has been revised to include the following language:

In response to comments, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

*Comment 11. A comprehensive parking analysis looking at requirements of the property as a whole, should be submitted to the Zoning Administration and Enforcement Division of the Department at the earliest practicable time to determine the required parking for the project.*

**Response 11.** In response to comments regarding parking, the FEIS Section II. E. (Proposed Project Description) has been revised to include the following language:

The Applicant will submit a comprehensive parking analysis to the Maui County Planning Department for review and approval upon acceptance by the LUC of this FEIS, upon issuance by the LUC of an order granting the Motion to Amend by the LUC, and upon the issuance of amended Findings of Fact, Conclusions of Law, and Decision and Order for the Project site.

*Comment 12. Discuss the incorporation of sustainable energy practices in the construction of the new buildings.*

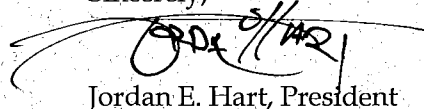
**Response 12.** In response to comments regarding sustainable energy practices, the FEIS Section III. D. 5 (Electrical) has been revised to include the following language:

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi'ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hart", with a large, sweeping horizontal stroke underneath it.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

ALAN M. ARAKAWA  
Mayor



DAVID TAYLOR, P.E.  
Director

PAUL J. MEYER  
Deputy Director

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

October 3, 2014

Mr. Jordan E. Hart, President  
Chris Hart and Partners, Inc.  
115 North Market Street  
Wailuku, HI 96793-1717

Dear Mr. Hart:

Project Name: Pi'ilani Promenade Draft Environmental Impact Statement (DEIS)  
TMK: (2) 3-9-001: 016

Thank you for the opportunity for the County of Maui Department of Water Supply (DWS) to provide comments on this DEIS and the previous EISPN—see our attached comment letter dated November 13, 2013. Please note that we have revised our anticipated consumption estimate from 433,707 gpd previously, to 480,267 gpd (see below).

**Consumption**

According to DWS Guidelines, anticipated consumption for the project is projected to be 480,267 gpd: ([226 multi-family units] x [560 gpd]) + ([20 acres Light Industrial/Business/Commercial] x [140 gal/1,000 square feet]) + ([38 acres Business/Commercial] x [140 gal/1,000 square feet]).

Please include anticipated water consumption (i.e. potable and irrigation) in the section on Groundwater Resources Potential Impacts and Mitigation Measures (page 40), as well as the Water section's Potential Impacts and Mitigation Measures section (page 74).

**Direct, Indirect and Cumulative Water Development Impacts**

Page 210 of the DEIS states,

“significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County’s water resources. This 1.0 MG water tank will provide substantially more drinking water source...”

*“By Water All Things Find Life”*



**Direct, Indirect and Cumulative Water Development Impacts--continued**

Because the water tank is merely a storage device, not a source of water (e.g. a well), use of the term "source" for drinking water storage is misleading. The DEIS would benefit from language that more accurately reflects the situation.

We were unable to locate the DEIS disclosure of: 1) the direct, indirect, and cumulative source water impacts of all known projects in the Kihei/Wailea area; and 2) the proposed project's brackish source water development impacts upon the salinity of surrounding areas. This information should have been disclosed in the DEIS because the consultant committed to do so in their June 23, 2014 EISPN response communication to the Kihei Community Association's October 23, 2014 letter.

How might the implementation of the proposed project impact the potential for brackish water desalinization in the area, for: 1) present users; 2) future users; 3) public uses; and 4) private uses?

Should you have any questions, please contact Alex Buttaro at 463-3103, or email him at [alex.buttaro@co.maui.hi.us](mailto:alex.buttaro@co.maui.hi.us).

Sincerely,



David Taylor, Director  
bab

cc:

1. Engineering Division
2. Land Use Commission, Department of Business, Economic Development and Tourism

Attachment: November 13, 2014 DWS Letter

ALAN M. ARAKAWA  
Mayor



DAVID TAYLOR, P.E.  
Director

PAUL J. MEYER  
Deputy Director

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

November 13, 2013

Mr. Jordan E. Hart, President  
Chris Hart and Partners, Inc.  
115 North Market Street  
Wailuku, HI 96793-1717

Dear Mr. Hart:

Project Name: Pi'ilani Promenade Environmental Assessment/Environmental Impact  
Statement Preparation Notice (EISPN)  
TMK: (2) 3-9-001: 016

Thank you for the opportunity for the County of Maui Department of Water Supply  
(DWS) to provide comments on the EA and EISPN.

**Source Availability and Consumption**

The project area is served by the Central Maui System. Sources for this system are the Iao, Waihe'e and Kahului aquifers, Iao Tunnel and the Iao-Waikapu Ditch. The EIS should identify potable and non-potable demands and sources, i.e. please describe what portion of potable and non-potable water will be from DWS and what portion will come from proposed irrigation well. Should the project be subdivided, the project may be subject to the County's availability policy, codified in Title 14 of the Maui County Code (14.12.040). Due to the magnitude of the proposed project, the DWS may delay issuance of meters until new sources are on line.

According to DWS Guidelines, anticipated consumption for the project is projected to be 433,707 gpd: ([200 apartments] x [400 gpd]) + ([20 acres Light Industrial/Business/Commercial] x [140 gal/1,000 square feet]) + ([38 acres Business/Commercial] x [140 gal/1,000 square feet]).

**System Infrastructure**

DWS infrastructure in the vicinity of the proposed project includes a 36-inch DWS water line that crosses the southeast corner of the proposed project parcel, and an 18-inch water line on the makai side of Pi'ilani Highway running parallel to the west within 300 feet of the project parcel.

*"By Water All Things Find Life"*



Jordan E. Hart

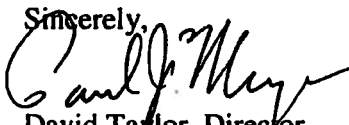
Page 3

**Conservation--continued**

4. Dust Control: Reclaimed water for dust control is available from the Kihei and Kahului sewage treatment plants, and it should be considered as an alternative source of water for dust control during construction.
5. Submetering or Individual Metering: Research into water use efficiency indicates that one of the most effective conservation measures is metering. Individual meters or submeters are a useful tool for minimizing unnecessary consumption.

Should you have any questions, please contact Alex Buttaro at 463-3103, or email him at [alex.buttaro@co.maui.hi.us](mailto:alex.buttaro@co.maui.hi.us).

Sincerely,



David Taylor, Director

bab

cc:

1. Engineering Division
2. Land Use Commission, Department of Business, Economic Development and Tourism

**Attachment: Maui County's Landscape and Gardening Handbook**





June 13, 2017

Mr. David Taylor, Director  
County of Maui, Department of Water Supply  
200 South High Street  
Wailuku, HI 96793

Dear Mr. Taylor,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 3, 2014. The responses to your comments are as follows.

*DWS Comment 1. According to DWS Guidelines, anticipated consumption for the project is projected to be 480,267 gpd: ([226 multi-family units] x [560 gpd]) + ([20 acres Light Industrial/Business/Commercial] x [140 gal/1,000 square feet]) + ([38 acres Business/Commercial] x [140 gal/1,000 square feet]).*

*Please include anticipated water consumption (i.e. potable and irrigation) in the section on Groundwater Resources Potential Impacts and Mitigation Measures (page 40), as well as the Water section's Potential Impacts and Mitigation Measures section (page 74).*

**Response 1.** In response to comments regarding water, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The irrigation well for landscaping is expected withdraw 81,000 gpd and this limited amount of water is not anticipated to significantly impact the Kamaole Aquifer from recharging. In the future, when the County reclaimed water line is extended north towards the Project site, the Applicant will connect to the R-1 water source for irrigation water eliminating the need for the brackish irrigation well.

In response to comments regarding water, the FEIS Section III. D. 3 (Water) has been revised to include the following language:

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The irrigation well for landscaping is expected withdraw 81,000 gpd and this limited amount of water is not anticipated to significantly impact the Kamaole Aquifer from recharging. In the future, when the County reclaimed water line is extended north towards the Project site, the Applicant will

connect to the R-1 water source for irrigation water eliminating the need for the brackish irrigation well.

*DWS Comment 2. Page 2 10 of the DEIS states, "significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County's water resources. This 1.0 MG water tank will provide substantially more drinking water source..."*

*Because the water tank is merely a storage device, not a source of water (e.g. a well), use of the term "source" for drinking water storage is misleading. The DEIS would benefit from language that more accurately reflects the situation.*

**Response 2.** In response to comments regarding water, the FEIS Section V. C (Cumulative and secondary impacts) has been revised to include the following language:

**Drinking Water Resources.** The development of the Pi'ilani Promenade, together with other area projects, will increase the demand for drinking water. The Applicant is constructing a 1.0 million gallon water tank and supporting infrastructure to provide water for the project and future south Maui water customers. The development of the 1.0 MG water tank will help support the drinking water needs for the future planned growth of South Maui. With these measures in place, significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County's water resources. This 1.0 MG water tank will provide substantially more drinking water sourcee storage than would be required both for the Pi'ilani Promenade Project, and for the Honua'ula affordable housing project, if that project is developed.

*DWS Comment 3. We were unable to locate the DEIS disclosure of: 1) the direct, indirect, and cumulative source water impacts of all known projects in the Kihei/Wailea area; and*

**Response 3:** In response to comments regarding water, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

In response to comments on the DEIS, the FEIS has been updated in the ground water section, the water section, and the cumulative impacts section to include a matrix of the readily identifiable future developments in South Maui and their direct potential effect on water source and availability. Table No. 3 below provides an estimate of water use by future proposed developments in South Maui.

**Table No. 3 Estimated Water Use by Future Developments**

<u>Name of Project</u>	<u>Average Daily Drinking Water Use</u>	<u>Drinking Source</u>	<u>Average Non-drinking Water Use</u>	<u>Non Drinking Source</u>	<u>Type of System</u>	<u>Source Document</u>
<u>Maui Lu Resort</u>	<u>144,200 gpd</u> <u>(53,300 gpd existing; 86,300 gpd proposed)</u>	<u>CWS, existing meter</u>	<u>136,000 gpd</u>	<u>Existing well water (Kamaole Aquifer)</u>	<u>Private irrigation brackish water</u>	<u>Maui Lu FEA 2004</u>
<u>Noni Loa</u>	<u>21,840 gpd</u>	<u>CWS, Existing meter</u>	<u>None, will use drinking water until R-1 line is available</u>	<u>CWS</u>	<u>CWS</u>	<u>Noni Loa FEA December 8, 2015</u>
<u>Makena Resort</u>	<u>94,260 gpd</u>	<u>CWS, existing meter</u>	<u>129,075 gpd</u>	<u>Existing Well water (Kamaole aquifer)</u>	<u>Private irrigation brackish water</u>	<u>Makena Resort DEA January 8, 2016</u>
<u>MRTTP</u>	<u>789,065 gpd</u>	<u>CWS, existing meters</u>	<u>373,329 gpd</u>	<u>R-1 Water line</u>	<u>Maui County R-1 Water line</u>	<u>MRTTP FEIS March 23, 2013</u>
<u>Kenolio Apartments</u>	<u>104,160 gpd</u>	<u>Proposed connection to CWS</u>	<u>15,000 gpd</u>	<u>1 proposed brackish water well (Kamaole Aquifer)</u>	<u>* will connect to R-1 line once available to property</u>	<u>Kenolio Apartments FEA July 23, 2014</u>
<u>Kaiwahine Village</u>	<u>67,200 gpd</u>	<u>Proposed connection to CWS</u>	<u>None, will use drinking water until R-1 line is available</u>	<u>CWS</u>	<u>CWS</u>	<u>Kaiwahine Village 201H Application February 2011</u>
<u>Kihei High School</u>	<u>37,450 gpd</u>	<u>Proposed connection</u>	<u>185,000 gpd</u>	<u>2 proposed brackish water wells</u>	<u>Private brackish well</u>	<u>Kihei H.S. FEIS September 8, 2012</u>

<u>Name of Project</u>	<u>Average Daily Drinking Water Use</u>	<u>Drinking Source</u>	<u>Average Non-drinking Water Use</u>	<u>Non Drinking Source</u>	<u>Type of System</u>	<u>Source Document</u>
		<u>on to CWS</u>		<u>(Kamaole Aquifer)</u>		
<u>Honua'ula Affordable Housing Project</u>	<u>210,000 gpd</u>	<u>Proposed connection to CWS</u>	<u>Unknown</u>	<u>Existing well water (Kamaole Aquifer)</u>	<u>Private brackish well</u>	<u>Calculated using County standards.</u>
<u>Downtown Kihei</u>	<u>48,500 – 143,600 gpd</u>	<u>Proposed connection to CWS</u>	<u>15,900 – 29,500 gpd</u>	<u>County R-1 Water</u>	<u>R-1 Water line from KWWRF</u>	<u>Downtown Kihei FEA April 8, 2013</u>
<u>Honua'ula (Mauka of Makena Resort)</u>	<u>340,000 gpd</u>	<u>Proposed Well water (Kamaole aquifer)</u>	<u>810,000 gpd for irrigation, 17,000 gpd for golf course</u>	<u>Well water (Kamaole aquifer) * will connect to R-1 line once available to property</u>	<u>Private brackish well</u>	<u>Honua'ula FEIS August 8, 2012</u>
<u>Kihei Residential</u>	<u>530,000 gpd</u>	<u>Connect to CWS or Well water (from Kahului or Paia aquifers)</u>	<u>None</u>	<u>Connect to County Water system or Well water (from Kahului or Paia aquifers)</u>	<u>Private brackish well, *Applicant would prefer to connect with the Maui County R-1 Water line</u>	<u>Kihei Residential FEIS June 8, 2008</u>
<u>Estimated Totals</u>	<u>2,481,775 gpd of estimated drinking water usage</u> <u>2,394,904 gpd of estimated non-drinking water usage</u>					

Table No. 3 above provides the direct impacts related to each project and in total the estimated cumulative impact for drinking water systems is a total of 2,481,775 gpd of estimated drinking water usage, and 2,394,904 gpd of estimated non-drinking water usage.

In regards to the drinking water, the Applicant will cooperate with the CWRM to determine available water use in the Iao Aquifer and underlying Kamaole Aquifer as the Water Resources Protection Plan is updated. It is the Applicant's understanding that the CWRM judges use of the aquifers relative to its sustainable yield by the 12-month moving average of pumpage, not by the cumulative capacity of pump installations permits; therefore the proposed use of the Iao and Kamaole a\ Aquifers, will not exceed the sustainable yields.

In response to comments regarding water, the FEIS Section V. C (Cumulative and secondary impacts) has been revised to include the following language:

This section identifies secondary and cumulative impacts that may result from the phased development of the Pi'ilani Promenade and surrounding development projects.

Existing and future development projects that were considered likely to be constructed in the central Kihei region were the basis for analyzing potential cumulative and secondary impacts. It is noted that most projects are not yet constructed. The developments listed below are the same as those identified in the TIAR update and includes the Maui Research and Technology Park (MRTP). (See: Table No. 16)

**Table No. 16 Other Potential Projects**

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms &amp; 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>

<u>Maui Research and Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/ Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>

Other proposed projects will be required to meet the requirements of the Department of Water Supply including but not limited to project specific improvements to the water transmission and storage systems.

Table No. 16b Other Potential Projects: Water

<u>Development</u>	<u>Drinking water Demand (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>67,200</u>
<u>Maui Lu Resort</u>	<u>148,800</u>
<u>Kihei High School</u>	<u>185,000</u>
<u>Kenolio Apartments</u>	<u>104,160</u>
<u>Kihei Residential</u>	<u>790,000</u>
<u>Downtown Kihei</u>	<u>48,500</u>
<u>Maui Research and Technology Park</u>	<u>798,065</u>
<u>Honua'ula Affordable Housing Development</u>	<u>210,000</u>
<u>Total</u>	<u>2,351,725 gallons per day</u>

It is estimated that the total drinking water demand for the projects listed in Table No. 16b is 2,351,725 gallons per day. As noted in the FEIS, 0.421 MGD of groundwater can be allocated from the Iao Aquifer System, therefore all proposed projects in Table No. 16b will not be able to utilize drinking water from the Iao Aquifer System. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16b and as development occurs each individual project will need to provide a viable water source. Alternatives considered by the projects in Table No. 16b include but are not limited to drilling wells within the Kamaole Aquifer as a new water source.



*DWS Comment 3.2. The proposed project's brackish source water development impacts upon the salinity of surrounding areas. This information should have been disclosed in the DEIS because the consultant committed to do so in their June 23, 2014 EISPN response communication to the Kihei Community Association's October 23, 2014 letter.*

**Response 3.2.** In response to comments regarding impacts on salinity, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Groundwater beneath the Project site occurs as a brackish basal lens overlying saline groundwater at depth and in hydraulic contact with seawater shore. This groundwater body has been named as the Kamaole Aquifer by the CWRM. The most reliable estimate of the Kamaole Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Kamaole Aquifer system to be 25 MGD. Of the estimated 25 MGD of groundwater recharge, the CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The Water Resource Protection Plan is currently being updated and a draft plan is expected in late 2017.

Existing water use within the Kamaole Aquifer System amounted to 1.859 MGD (Water Resource Protection Plan, 2008). This water use is primarily for golf course and landscape irrigation purposes from existing brackish wells.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulou Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this

location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulu Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the Kaonoulu Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulu Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future, connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

*DWS Comment 4: How might the implementation of the proposed project impact the potential for brackish water desalinization in the area, for: 1) present users; 2) future users; 3) public uses; and 4) private uses?*

**Response 4:** In response to comments regarding impacts on salinity, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Existing water use within the Kamaole Aquifer System amounted to 1.859 MGD (Water Resource Protection Plan, 2008). This water use is primarily for golf course and landscape irrigation purposes from existing brackish wells.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q “Soil Investigation Reports”)

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, “Waimea Water Services Report”) (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulou Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulou Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulou Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the

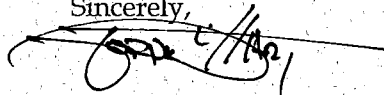
Kaonoulou Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulou Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulou Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future, connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

Based on the information provided the proposed mixed use project is not anticipated to impact the potential for brackish water desalinization in the area for present and future users nor public and private uses.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,  
  
Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owners Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

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

BRIAN HASHIRO, P.E.  
Highways Division

February 2, 2015

Mr. Robert Poyner, Vice President  
PIILANI PROMENADE NORTH, LLC  
& PIILANI PROMENADE SOUTH, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

Dear Mr. Poyner:

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT  
FOR PIILANI PROMENADE  
TMK NOS.: 3-9-001:016, 170-174**

We reviewed the subject application and provide the following comments:

Comments from the Engineering Division:

1. Page 52, Draft EIS (Piilani Highway): Confirm speed limit north of Ohukai Street.
2. Page 52, Draft EIS (Ohukai Street): Currently, eastbound and westbound phases are split and operate as protected.
3. Page 53, Draft EIS (South Kihei Road): The speed limit is not 25 mph on South Kihei Road. It is 30 mph along most of its length, with 20 mph in select locations due to roadway conditions.
4. Page 2, Traffic Impact Assessment Report (TIAR): No. 7 is left blank.
5. Page 6, TIAR, paragraph 1: Confirm speed limit north of Ohukai Road.
6. Page 6, TIAR, paragraph 6: West of South Kihei Road is the shoreline. Please revise.

7. Page 15, TIAR: The intersection may be converted to a roundabout, subject to review by the Department of Public Works.
8. Page 23, TIAR: Provide a summary of each of the trip generation land use codes used in this analysis.
9. Page 24, TIAR: Project description in Part 1: Introduction mentions nothing of the "Outdoor Garden" use. Provide discussion on this use in the introduction.
10. Page 31, TIAR: Item 4 states: "The eastbound approach has been modified to provide one separate left turn lane, one through lane, and one right turn lane. The westbound approach has been modified to provide one left turn lane, one thru or left turn lane and one right turn lane." The mitigation measures stated in item number 4 apply to specific intersections. Delete from this item and leave reference to the previous chapter, or clarify which intersection these measures apply to.
11. Page 34, TIAR, Table 19: Under Saturday Peak Hour: Please confirm if data was collected to show the Level Of Service (LOS) "Without" Promenade and Honuaula projects.
12. Page 34, TIAR, Table 19: The project appears to affect the southbound left movement significantly during the PM Peak Hour. Will there be any proposed mitigation measure to address the change in LOS?
13. Page 34, TIAR: Table 17 presents that the project contributes approximately 20 to 40 percent of the traffic at this location. Provide analysis and discussion should a roundabout not be feasible at the intersection of Kaonoulu and Aulike Streets.
14. Page 36, TIAR: Provide analysis and discussion of effects that project traffic has on this intersection should the signalization (by others) not be implemented.
15. Page 37, TIAR: Provide description of what the determined v/c ratios represent.
16. Prior to any submittal of construction plans to the Department of Public Works (Department), we request that the applicant coordinate proposed


Mr. Robert Poynor, Vice President  
February 2, 2015  
Page 3

improvements that involve vehicular roadways, bicycle facilities and pedestrian pathways with the Department.

17. Provide a discussion on the use of Low Impact Development (LID) strategies and/or green infrastructure in the project design to address stormwater quality and other environmental impacts that may arise from the proposed project.

If you have any questions regarding this memorandum, please call Rowena Dagdag-Andaya at (808) 270-7845.

Sincerely,

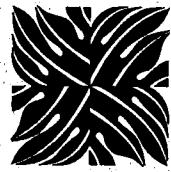
  
DAVID C. GOODE  
Director of Public Works

DCG:RMDA:da

xc: Highways Division  
Engineering Division

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**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. David Goode, Director  
County of Maui, Department of Public Works  
200 South High Street Room No 434  
Wailuku, HI 96793

Dear Mr. Goode,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of February 2, 2015. I am pleased to provide the following responses to your comments (*in italics*):

***DPW Comment 1.***

*Page 52, Draft EIS (Piilani Highway): Confirm speed limit north of Ohukai Street.*

**Response 1.** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui. (See: Appendix M-1, "Traffic Impact Analysis Report Update, dated December 20, 2016").

In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The posted speed limit is 40 miles per hour south of Ohukai Street and 45 40 miles per hour north of Ohukai Street.

**DPW Comment 2.**

*Page 52, Draft EIS (Ohukai Street): Currently, eastbound and westbound phases are split and operate as protected.*

**Response 2.** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

Ohukai Road is a two-lane, two-way street, but widens to provide two approach lanes as it approaches Piilani Highway. The posted speed limit is 20 miles per hour. Both the eastbound and westbound approaches provide a through and left turn lane and a separate right turn lane. The eastbound and westbound approaches move concurrently, which means that left turns are permitted rather than protected. The eastbound approach has been modified to provide one left turn lane, one through lane and one right turn lane. The westbound approach has been modified to provide one left turn lane, an optional left turn or through lane and one right turn lane.

**DPW Comment 3.**

*Page 53, Draft EIS (South Kihei Road): The speed limit is not 25 mph on South Kihei Road. It is 30 mph along most of its length, with 20 mph in select locations due to roadway conditions.*

**Response 3.** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

South Kihei Road is a collector road providing north-south mobility and property access within the Kihei Community. It is generally a two-lane roadway. Major segments of South Kihei Road have been improved to provide either a median turn lane or parallel parking on the makai-side. Sidewalks were provided on these enhanced segments along with striped bike lanes. Unimproved sections of South Kihei Road usually have only two undivided traffic lanes. The posted speed limit on South Kihei Road is 25 ~~30~~ miles per hour along most of its length, with 20 mph in select locations due to roadway conditions.

**DPW Comment 4.**

*Page 2, Traffic Impact Assessment Report (TIAR): No. 7 is left blank.*

**Response 4.** No. 7 is a numbering error in the TIAR prepared for the DEIS. The TIAR update has been prepared for the FEIS and this comment is no longer applicable.

**DPW Comment 5.**

*Page 6, TIAR, paragraph 1: Confirm speed limit north of Ohukai Road.*

**Response 5.** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The posted speed limit is 40 miles per hour south of Ohukai Road and 45 40 miles per hour north of Ohukai Road.

**DPW Comment 6.**

*Page 6, TIAR, paragraph 6: West of South Kihei Road is the shoreline. Please revise.*

**Response 6.** The following comment is a typographical error in the TIAR prepared for the DEIS. The TIAR update has been prepared for the FEIS and this comment is no longer applicable.

**DPW Comment 7.**

*Page 15, TIAR: The intersection may be converted to a roundabout, subject to review by the Department of Public Works.*

**Response 7.** The Applicant understands that a roundabout is subject to review by the department of public works.

**DPW Comment 8.**

*Page 23, TIAR: Provide a summary of each of the trip generation land use codes used in this analysis.*

**Response 8.** In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

Trip generation land use codes used for the Project are as follows:

- Shopping Center [820]: A shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. A shopping center's composition is related to its market area in terms of size, location and type of store. A shopping center also provides on-side parking facilities sufficient to serve its own parking demands.
- General Light Industrial [110]: Light industrial facilities are free-standing facilities devoted to a single use. The facilities have an emphasis on activities other than manufacturing and typically have minimal office space. Typical light industrial activities include printing, material testing and assembly of data processing equipment.
- Apartment [220]: Apartments are rental dwelling units located within the same building with at least three other dwelling units, for example, quadraplexes and all types of apartment buildings. The studies included in this land use did not identify whether the apartments were low-rise, mid-rise, or high-rise.

**DPW Comment 9.**

*Page 24, TIAR: Project description in Part 1: Introduction mentions nothing of the "Outdoor Garden" use. Provide discussion on this use in the introduction.*

**Response 9.** The "Outdoor Garden" use was incorrectly referenced in the Draft EIS TIAR and is not proposed as part of the Piilani Promenade project. The TIAR update has been prepared for the FEIS and this comment is no longer applicable.

**DPW Comment 10.**

*Page 31, TIAR: Item 4 states: "The eastbound approach has been modified to provide one separate left turn lane, one through lane, and one right turn lane. The westbound approach has been modified to provide one left turn lane, one thru or left turn lane and one right turn lane." The mitigation measures stated in item number 4 apply to specific intersections. Delete from this item and leave reference to the previous chapter, or clarify which intersection these measures apply to.*

**Response 10.** The following comment is a typographical error in the TIAR prepared for the DEIS. The TIAR update has been prepared for the FEIS and this comment is no longer applicable.

**DPW Comment 11.**

*Page 34, TIAR, Table 19: Under Saturday Peak Hour: Please confirm if data was collected to show the Level Of Service (LOS) "Without" Promenade and Honua'ula projects.*

**Response 11.** The TIAR update includes Saturday Peak Hour Level of Service Without and With Promenade and Honua'ula traffic.

**DPW Comment 12.**

*Page 34, TIAR, Table 19: The project appears to affect the southbound left movement significantly during the PM Peak Hour. Will there be any proposed mitigation measure to address the change in LOS?*

**Response 12.** The Applicant is not proposing mitigation measures for the intersection of Kaonoulu Street and Kenolio Road.

In response to comments regarding intersection LOS, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Kenolio Road and Kaonoulu Street**

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

**DPW Comment 13.**

*Page 34, TIAR: Table 17 presents that the project contributes approximately 20 to 40 percent of the traffic at this location. Provide analysis and discussion should a roundabout not be feasible at the intersection of Kaonoulu and Aulike Streets.*

**Response 13.** The TIAR prepared for the Draft EIS has been updated and the analysis contained in the TIAR update determined that the traffic movements at the intersection of Kaonoulu Street and Aulike Street operate at LOS C or better and therefore no mitigation measures are proposed in the TIAR update.

**DPW Comment 14.**

*Page 36, TIAR: Provide analysis and discussion of effects that project traffic has on this intersection should the signalization (by others) not be implemented.*

**Response 14.** The TIAR update was prepared with best information on surrounding development impacts and mitigation. Should mitigation (by others) not be completed then theoretically the traffic impact from said project would not be realized as well.

**DPW Comment 15.**

*Page 37, TIAR: Provide description of what the determined v/c ratios represent.*

**Response 15.** A roundabout Analysis for Piilani Highway at Kaonoulu Street including v/c ratios was conducted as part of TIAR prepared for the DEIS. The TIAR update has been prepared for the FEIS and the roundabout analysis was not included and the appropriate mitigation measure was to signalize the intersection.

In response to comments regarding roadways, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

**Recommended Project Mitigation Measures**

**The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:**

- Install traffic signals and striped pedestrian crosswalks across Piilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.

- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

**DPW Comment 16.**

*Prior to any submittal of construction plans to the Department of Public Works (Department), we request that the applicant coordinate proposed improvements that involve vehicular roadways, bicycle facilities and pedestrian pathways with the Department.*

**Response 16.** The Applicant will coordinate with the Department on improvements involving vehicular roadways, bicycle and pedestrian pathways prior to submittal of construction plans.

**DPW Comment 17.**

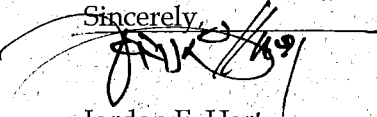
*Provide a discussion on the use of Low Impact Development (LID) strategies and/or green infrastructure in the project design to address stormwater quality and other environmental impacts that may arise from the proposed project.*

**Response 17.** In response to comments regarding Low-impact development, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,  
  
Jordan E. Hart  
President

September 5, 2014

Department of Business, Economic Development & Tourism, Land Use Commission  
PO Box 2359  
Honolulu, HI 96804

Att: Daniel Orodener,

I am writing in regard to the mixed-use project in North Kihei. I appreciate the opportunity to ask questions.

It is my understanding that the Kihei McKenna Community plan established 4 specific areas of development in Kihei—the area around Foodland, the area around Azeka, the area around Long's Drugs, and the area around the old Suda market. These areas were planned to be accessed by S. Kihei Rd., to minimize traffic on Pi'ilani highway, and to serve the Kihei McKenna community.

These areas have all been development, except for the Suda market in north Kihei.

This plan is still in effect. To change or amend it would require a legal response. Am I correct? Are there plans to do so?

I have 4 other specific questions.

- 1) Where is the water coming from to fill the million gallon tank you propose?
- 2) Traffic on Pi'ilani backs up morning and evening now as the existing schools open and end. The Kihei high school has not been built. The number of cars on Pi'ilani is a serious issue. Mr. Jencks at a meeting at the Kihei Community Center last year stated that this project would mean a 25% reduction in traffic. 25% from what? The first plan? That is a conjecture, if that is what Mr. Jencks meant. What did he mean?
- 3) Have the number of empty stores and buildings in existing Kihei businesses been counted? How would new buildings alleviate this situation?
- 4) Who comprises the expected shopping clientele? Locals? Tourist?

I look forward to your response.

Sincerely,

*Paula Baldwin*  
Paula Baldwin  
78 Alena Place  
Kihei, HI 96753

Cc: Chris Hart and Partners Inc.  
Sarofim Realty Advisors  
Kihei Community Association

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CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

*CC: Brett 12/02/14*





April 17, 2017

Ms. Paula Baldwin  
78 Alena Place  
Kihei, HI 96753

Dear Ms. Baldwin,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated September 5, 2014. Below are the responses to your comments.

*Comment 1. "It is my understanding that the Kihei McKenna Community plan established 4 specific areas of development in Kihei—the area around Foodland, the area around Azeka, the area around Long's Drugs, and the area around the old Suda market. These areas were planned to be accessed by S. Kihei Rd., to minimize traffic on Pi'ilani highway, and to serve the Kihei McKenna community.*

*These areas have all been development, except for the Suda market in north Kihei.*

*This plan is still in effect. To change or amend it would require a legal response. Am I correct?  
Are there plans to do so?*

**Response 1.** In response to comments regarding the available commercial area in Kihei, the FEIS Section III. B. 3 (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Piilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light

industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

The Kihei Makena Community Plan remains in effect. One of the conditions imposed by the 1995 Decision and Order (as defined in the FEIS) required that the petitioner obtain an amendment to the Kihei Makena Community Plan. The Kihei Makena Community Plan incorporating the required change and designating the Petition Area as Light Industrial was approved on March 20, 1998. As noted in Section V.D.2 of the FEIS, "[a]lthough the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend."

*Comment 2. Where is the water coming from to fill the million gallon tank you propose?*

**Response 2.** In response to comments regarding drinking water, the FEIS Section III. D. 3 (Water) has been revised to include the following language:

The drinking water for the Project will come from the Central Maui Water System which is supplied by fresh water from the Iao and Waihee Aquifers. At the request of the DWS, the Applicant agreed to construct a 1.0 MG water storage tank to serve the future needs of the Project and South Maui. Three 3-inch domestic water meters have been approved and are available for the Project. The combined flow capacity of these meters is 1,050 gpm, which exceeds the approximately 600 gpm of required flow capacity for the Project. Therefore, there

will be adequate flow capacity to build out the Project. Consequently, no additional drinking water sources beyond the County-issued water meters are anticipated in order to construct and operate the Pi'ilani Promenade.

*Comment 3. Traffic on Pi'ilani backs up morning and evening now as the existing schools open and end. The Kihei high school has not been built. The number of cars on Pi'ilani is a serious issue. Mr. Jencks at a meeting at the Kihei Community Center last year stated that this project would mean a 25% reduction in traffic. 25% from what? The first plan? That is a conjecture, if that is what Mr. Jencks meant. What did he mean?*

**Response 3.** In response to your traffic reduction comments, Section II.E of the FEIS was revised to include the following language:

In response to comments received on the DEIS, at the public meeting on November 3, 2013, Mr. Charlie Jencks, who serves as the lead Project consultant, represented that, in his estimation, a 25% reduction in traffic from the Eclipse Development Plan would be possible with the traffic study being prepared for the DEIS. Mr. Jencks also stated that the roadway and highway infrastructure previously proposed would not be changed to reflect the reduction in total traffic generated. The Eclipse Development Plan proposed development of approximately 700,000 square feet of retail, office, business/commercial uses, while the current conceptual Pi'ilani Promenade plan proposes approximately 530,000 square feet of retail, office, business/commercial uses. Further, the current proposed Pi'ilani Promenade project includes apartment buildings, light industrial uses as well as business/commercial uses, in contrast to the Eclipse Development Plan which was entirely commercial.

*Comment 4. Have the number of empty stores and buildings in existing Kihei businesses been counted? How would new buildings alleviate this situation?*

**Response 4.** In response to comments regarding the existing inventory of commercial area in Kihei, Section III.B.3 of the FEIS was revised to include the following language:

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Street). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

The Hallstrom Group's assessment determines that the problem is not with demand for competitive spaces in the area, but the lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

This Project will not alleviate the need for other available light industrial and commercial spaces within Kihei to maintain a competitive, and attractive position in the market.

*Comment 5. Who comprises the expected shopping clientele? Locals? Tourist?*

**Response 5.** In response to comments regarding the expected shopping clientele in Kihei, Section III.B.3 (Economy) of the FEIS was revised to include the following language:

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

Ms. Paula Baldwin  
Piilani Promenade DEIS  
Comment Response Letter  
April 17, 2017  
Page 5 of 5

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "J. Hart", with a stylized flourish extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodenker, Executive Officer, LUC  
Project File 13-029

## Brett Davis

---

**From:** zandraamaral@hawaii.rr.com  
**Sent:** Friday, September 5, 2014 11:56 AM  
**To:** Brett Davis  
**Subject:** Re: Piilani Promenade

WE wanted to ask about the traffic issue which has been discussed in length. WE especially want to know what the plans for OHUKAI & KAWAIIHINE Roads are. We have documented the traffic congestion and question the SAFETY of our families who ALREADY reside here.

We look forward to your CLEAR AND concise response to the above and thank you for your work in our community.

Zandra Amaral Crouse, Principal Broker  
'Aina Hawaii Z.S.A. Properties  
Phone: 879-7445  
ZandraAmaral@Hawaii.rr.com

---- Brett Davis <BDavis@chpmaui.com> wrote:

> Good Morning Zandra, my name is Brett Davis, I am a Planner with Chris Hart and Partners, Inc. working on the this project.

>

> I wanted to ask what questions you have about the Piilani Promenade project?

>

> You can contact me directly at 808-270-1561 or reply to my email.

>

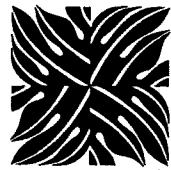
> Thank you,

>

> -Brett Davis

>

>



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Ms. Zandra Amaral Crouse  
365 Hoalike St  
Kihei, HI 96753

Dear Ms. Amaral Crouse,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your email received on September 5, 2014. Below is the responses to your comment.

*Comment 1. "WE wanted to ask about the traffic issue which has been discussed in length. WE especially want to know what the plans for OHUKAI & KAWAIIHINE Roads are. We have documented the traffic congestion and question the SAFETY of our families who ALREADY reside here."*

**Response 1.** In response to comments regarding traffic and the future plans for the intersection of Ohukai Road and Kaiwahine Street, Section III.D.1 of the FEIS has been revised as follows:

**Ohukai Road** is a two-lane, two-way street, but widens to provide two approach lanes as it approaches Pi'ilani Highway. The posted speed limit is 20 miles per hour. ~~Both the eastbound and westbound approaches provide a through and left turn lane and a separate right turn lane. The eastbound and westbound approaches move concurrently, which means that left turns are permitted rather than protected. The eastbound approach has been modified to provide one left turn lane, one through lane and one right turn lane. The westbound approach has been modified to provide one left turn lane, an optional left turn or through lane and one right turn lane.~~

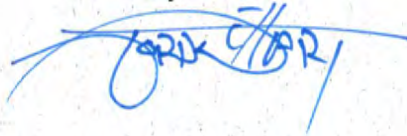


Ms. Zandra Amaral Crouse  
Piilani Promenade DEIS  
Comment Response Letter  
April 17, 2017  
Page 2 of 2

**Kaiwahine Street** is a two-lane, two-way residential collector street connecting the project with Pi'ilani Highway. The posted speed limit is 20 miles per hour. Residential parking is allowed along both sides of the street. Uwapo Road is an extension of Kaiwahine Street west of Pi'ilani Highway to South Kihei Road. No Project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project area will be the first increment of the KUH.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan E. Hart", with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

September 10, 2014

The Department of Business, Economic Development & Tourism  
Land Use Commission,  
P.O. Box 2359, Honolulu 96804-2359.

Dear Sir or Madam:

Subject: Piilani Promenade  
Kihei, Hawaii  
TMT: (2) 3-9-001:016, 170-174

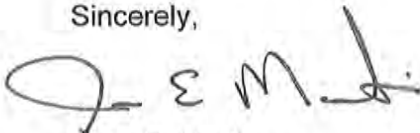
I am writing to raise concerns regarding the following areas of this planned project.

First, I want to recognize the efforts of the company to reach out to the community, meeting with the Kihei Community Association and holding a large public meeting in July 2013. Overall, I think the project is a good one and provides much needed local retail for families in South Maui, as opposed to stores that focus on the visitor trade.

I would like answers to the following questions:

1. What are the public infrastructure improvements for traffic and who is paying for them?
2. What are the water improvements associated with the project and who pays for them?
3. How will the project address a frontage road along Piilani Highway and how does the project address changes from the original proposal made to the State Land Use Commission?

Sincerely,



Joan E. Martin  
85 Manino Circle  
Kihei, HI 96753

cc: ✓ Chris Hart & Partners Inc., 115 N. Market Street, Wailuku 96793.

Piilani Promenade North LLC and Piilani Promenade South LLC, c/o Sarofim  
Realty Advisors, 8115 Preston Road, Suite 400, Dallas, Texas 75225.

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CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: BH 13/029



April 17, 2017

Ms. Joan Martin  
85 Manino Circle  
Kihei, HI 96753

Dear Ms. Martin,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated September 10, 2014. Responses to your comments are provided below.

*Comment 1. What are the public infrastructure improvements for traffic and who is paying for them?*

**Response 1.** In response to comments regarding project infrastructure improvements for traffic and who is paying for them, FEIS Section III.D.1 (Roadways) has been revised to include the following language:

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of the Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.

- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

*Comment 2. What are the water improvements associated with the project and who pays for them?*

**Response 2.** As noted in Section III.D.3 of the FEIS, "The Pi'ilani Promenade will be served by the water system improvements that the Applicant is required to construct in order to complete the subdivision improvements for the Kaonoulu Ranch Large-Lot Subdivision No. 2.17 (See: Figure 3-2 of Appendix L, "Preliminary Engineering Report"). These improvements will consist of:

- 1) Relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street;
- 2) Constructing a new 1.0 MG capacity concrete water storage reservoir located 234 feet MSL which will be dedicated to the DWS upon completion;
- 3) Installing a 3,200 ft. long, 12-inch diameter transmission waterline from the Central Maui Water System's existing 36-inch transmission line to the new 1.0 MG storage reservoir for refilling the storage tank;
- 4) Installing a 5,500 ft. long, 16-inch diameter distribution main from the new 1.0 MG storage reservoir to and along East Kaonoulu Street which will deliver potable water for domestic use and provide fire protection for the Piilani Promenade project site; and
- 5) Installing a 1,100 ft. section of a 12-inch diameter distribution main across Piilani Highway to a connection point at the 18-inch diameter waterline on Kenolio Road in order to provide water circulation and link the new water system improvements to the County water distribution system serving the Kihei area.

In response to comments regarding who will pay for the improvements, FEIS Section III.D.3. (Water) has been revised to include the following language:

The foregoing improvements will be installed at the expense of the Applicant.

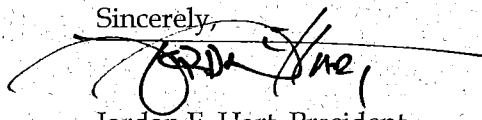
*Comment 3. How will the project address a frontage road along Piilani Highway and how does the project address changes from the original proposal made to the State Land Use Commission?*

**Response 3.** In response to comments regarding a frontage road along Piilani Highway, FEIS Section III.D.1. Roadways has been revised to include the following language:

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Piilani Highway was unnecessary. As part of the Project, Piilani Highway will be widened and a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

As noted in the FEIS, the Applicant will be seeking an amendment to the 1995 Decision and Order. In its Motion to Amend, the Applicant has asked to delete that portion of Condition 5 that requires provision of a frontage road parallel to Piilani Highway and other connector roads within the Petition Area. Appendix N of the FEIS provided a list of the existing conditions in the 1995 Decision and Order and the amendments proposed by the Applicant.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,  
  
Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

**David B. Reader**  
2531 S. Kihei Rd. C-403  
Kihei HI 96753

Dept. Business Economic Development & Tourism  
Land Use Commission  
P.O. Box 2359  
Honolulu, HI 96804-2359

August 30, 2014

RE: Pi'ilani Promenade Project

Commissioners,

I am submitting these comments in opposition to the subject Project.

Since the area under consideration is zoned "light industrial," please be certain the Applicant can adequately explain how a significant shopping complex and 226 residential apartments is "light Industrial." If it is, the Kihei-Makena Community Plan is likewise void and our future can become "whatever" as the new planning and approval philosophy. Are you willing to set that example?

I am a ten year Maui resident and a property owner since 1988. My education is a graduate Economist from Wharton at the University of Pennsylvania. I would offer the comment that the Pi'ilani Promenade project seems a doomed business plan. Only nowadays with so much capital seeking financial return would investors put money in anything this speculative. I believe the Promenade is unlikely to have tenancy that can even begin to compete with all that is offered now in Kahului especially given the scope of the Maui Business Park anchored with Target. And, we have nearby Walmart, Lowe's, Home Depot, Costco, The Queen and medical offices only a 15 minute drive from the proposed project. You would do a favor and spare Kihei the embarrassment of a vacant mall five to ten years after its opening by the developers to great fanfare. Vote for a new beginning that makes sense.

I look forward to learning of your wise judgment.

Sincerely,



David Reader

2014 SEP - 3 A 7:58

LAND USE COMMISSION  
OFFICE OF HONOLULU



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. David Reader  
2531 S. Kihei Rd. C-403  
Kihei, HI 96753

Dear Mr. Reader,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated August 30, 2014. The following response has been prepared to your comments.

*Comment: Since the area under consideration is zoned "light industrial," please be certain the Applicant can adequately explain how a significant shopping complex and 226 residential apartments is "light Industrial." If it is, the Kihei-Makena Community Plan is likewise void and our future can become "whatever" as the new planning and approval philosophy. Are you willing to set that example?*

**Response:** In response to your comments, Section II. E. (Proposed Project Description) of the FEIS has been revised to include the following language:

The Project will provide a mix of uses permitted by the light industrial zoning, which are needed to address past and current growth trends in south Maui. Other examples on Maui of projects with similar community plan and zoning designations and similar uses include the Maui Marketplace, the Maui Business Park Phases I and II, the Kahului Industrial Complex, the Lahaina Business Park, the Lahaina Gateway, the Wailuku Industrial Park, and the Millyard industrial area in Wailuku. The Project site is zoned light industrial and the proposed light industrial, business commercial and apartment uses are permitted uses within this designation.

The Project site is located within the KMCP plan area, and is designated for Light Industrial Use under the KMCP. Community plan land use (CPLU) designations are intended to depict what types of land uses are envisioned during the duration of the community plan. CPLU designations are intended to guide decision-making for changes in zoning, subdivisions, budgeting and capital improvements, and developments in the community



plan area. CPLU designations do not provide, nor are they intended to provide an exclusive or complete lists of land uses allowed, nor do they provide specific development standards. On the other hand, zoning designations regulate land use, and zoning designations provide exclusive and complete lists of land uses and specific development standards.

Light Industrial is described in the KMCP as "warehousing, light assembly, service and craft-type industrial operations." Although the KMCP describes light industrial in this manner, the County Planning Department has stated that "the County's M-1 Light Industrial District is a tiered system allowing for businesses uses in addition to light industrial uses." In support of this conclusion, the Planning Department issued a letter dated April 13, 2012, which provides direction as to the acceptability of the proposed uses for the Project. This letter is provided in Appendix S of the FEIS.

*"I am a ten year Maui resident and a property owner since 1988. My education is a graduate Economist from Wharton at the University of Pennsylvania. I would offer the comment that the Pi'ilani Promenade project seems a doomed business plan. Only nowadays with so much capital seeking financial return would investors put money in anything this speculative. I believe the Promenade is unlikely to have tenancy that can even begin to compete with all that is offered now in Kahului especially given the scope of the Maul Business Park anchored with Target. And<sup>1</sup> we have nearby Walmart, Lowe's, Home Depot, Costco, The Queen and medical offices only a 15 minute drive from the proposed project. You would do a favor and spare Kihei the embarrassment of a vacant mall five to ten years after its opening by the developers to great fanfare. Vote for a new beginning that makes sense. I look forward to learning of your wise judgment."*

**Response:** In response to comments regarding the Project business plan, Section III.B.3 (Economy) of the FEIS has been revised to include the following language:

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Street). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

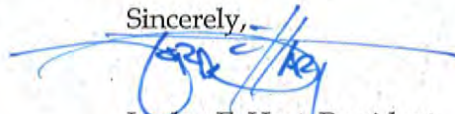
The Hallstrom Group's assessment determines that the problem is not with demand for competitive spaces in the area, but the lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

This Project will not alleviate the need for other available light industrial and commercial spaces within Kihei to maintain a competitive, and attractive position in the market.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,



Jordan E. Hart, President

Enclosure: (1)

1. Department of Planning letter dated April 13, 2012

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



RECEIVED

11:12 APR 13 PM 12:01  
COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
OFFICE OF THE MAYOR


April 13, 2012

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

For Transmittal to:

Honorable Donald G. Couch, Jr.  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
\_\_\_\_\_  
Mayor Date

Dear Councilmember Couch:

**SUBJECT: REVIEW OF ECLIPSE DEVELOPMENT GROUP'S PI'ILANI  
PROMENADE PROJECT DOCUMENTS AND CONSISTENCY  
WITH THE KIHEI-MAKENA COMMUNITY PLAN**

In response to your March 13, 2012 letter, the Department of Planning (Department) has reviewed the Change in Zoning (CIZ), State District Boundary Amendment (DBA), and community plan documents relative to this project.

The State Land Use Commission (LUC) reclassified approximately 88 acres from the State Agricultural District to the State Urban District in 1995. The Decision and Order is dated February 10, 1995. At the time, the petitioner proposed a light industrial/commercial subdivision. There were no conditions imposed by the State LUC that restricted use of the property. Whether the property is used for commercial or light industrial purposes, both are "urban" uses. The State Urban designation allowed the County to zone the land accordingly.

The County Council (Council) granted M-1 Light Industrial District Zoning to the property by Ordinance No. 2792, effective May 25, 1999, subject to four (4) conditions as follows:

1. That the Applicant shall participate in intersection improvements which includes, but is not limited to, traffic signals and turning lanes to the satisfaction of the Department of Transportation (DOT). The Applicant is encouraged to explore opportunities of cost share arrangements with adjacent developers.
2. That water conservation measures shall be incorporated into the design and operations of the industrial project.

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Donald G. Couch, Jr.  
April 13, 2012  
Page 2

3. That the Applicant shall design its landscape irrigation system to accommodate future connection to the County's effluent reuse system.
4. That the design guidelines for this project be reviewed by the Department.

Relative to Condition No. 4, PBR Hawaii prepared design guidelines titled, "Kaonoulu Industrial Park Business and Industrial Park Development Standards and Design Rules." The design guidelines were reviewed by the Urban Design Review Board (UDRB) at a public meeting on October 7, 1999. At this meeting, the UDRB offered comments on the guidelines. The Applicant amended the guidelines to address the comments of the UDRB, and the revised guidelines were dated January 4, 2000. The Department approved the design guidelines on January 18, 2000.

The County's M-1 Light Industrial District, Chapter 19.24, Maui County Code, permits uses in the B-1, B-2, and B-3 Business Districts in addition to identified light industrial uses. Unless there is a condition of zoning that prohibits any of these business or industrial uses, they are permitted by right. During the review of the Change in Zoning application for the Kaonoulu Industrial Project, the Department proposed five (5) conditions which would have established a percentage restriction on the business uses. Neither the Maui Planning Commission nor the Council supported the restriction and, as such, there are no conditions of zoning that restrict uses within the M-1 Light Industrial District for this project.

Until there is legislation to amend Chapter 19.24, uses within the B-1, B-2, and B-3 are permitted in the M-1 Light Industrial District. It is noted that the Department is proposing to add an M-3 Heavy Industrial Zoning District which will exclude non-industrial uses. The proposed bill has been reviewed by the three (3) planning commissions and is currently with the Corporation Counsel's office for review as to form and legality. The Department anticipates transmitting the bill to the Council by summer.

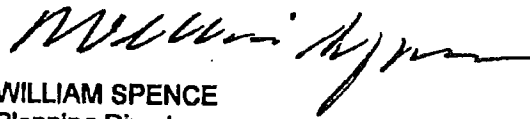
The Kihei-Makena Community Plan designates the project site for Light Industrial use. Light Industrial is described in the community plan as "warehousing, light assembly, service and craft-type industrial operations." Although the community plan describes light industrial in this manner, the County's M-1 Light Industrial District is a tiered system allowing for business uses in addition to light industrial uses. Therefore, the proposed retail center is deemed to be consistent with the community plan.

The property is not within the Special Management Area (SMA); therefore, the project is not subject to the SMA Rules. The project will be required to obtain building permits. At that time, County and State agencies will review the project relative to infrastructure, public services, design, parking, landscaping, etc.

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Donald G. Couch, Jr.  
April 13, 2012  
Page 3

Thank you for your attention to this matter. Should you require further clarification be necessary, please contact Current Planning Supervisor Ann Cua at Ext. 7521.

Sincerely,



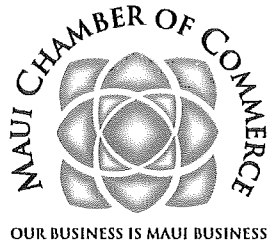
WILLIAM SPENCE  
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Ann T. Cua, Current Planning Supervisor (PDF)  
Randy Piltz, Mayors Office  
Patrick Wong, Corporation Counsel

WRS:ATC:rm

Project File  
General File

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2014 SEP 25 P 12:31

September 10, 2014

The Department of Business, Economic Development & Tourism  
Land Use Commission,  
P.O. Box 2359, Honolulu 96804-2359

RE: Piilani Promenade, Kihei, Hawaii  
TMK: (2) 3-9-001:016, 170-174

To Whom It May Concern:

I am writing to provide comment on the Piilani Promenade retail, housing and light industrial project in Kihei.

From what we have learned thus far, we are excited about the opportunities this project presents in terms of expanded shopping and housing in Kihei and much needed jobs on Maui.

We support development that is consistent with community plans and benefits the overall Maui community. We are interested in learning more about how the proposed uses meet current community plans and how traffic issues will be addressed. We look forward to hearing more on these areas.

Mahalo for the opportunity to comment on this project.

Sincerely,

Pamela Tumpap  
President

cc: Chris Hart & Partners Inc., 115 N. Market Street, Wailuku 96793.

Piilani Promenade North LLC and Piilani Promenade South LLC,  
c/o Sarofim Realty Advisors, 8115 Preston Road, Suite 400, Dallas, Texas  
75225.



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Ms. Pamela Tumpap, President  
Maui Chamber of Commerce  
95 Mahalanani Street, Suite 22A  
Wailuku, HI 96793

Dear Ms. Tumpap,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of September 10, 2014. The following response has been prepared for your comments.

*Comment. We are interested in learning more about how the proposed uses meet current community plans and how traffic issues will be addressed.*

**Response:** In response to your comments regarding compliance with the community plans, Section II. E. (Proposed Project Description) of the FEIS has been revised to include the following language:

The Project will provide a mix of uses permitted by the light industrial zoning, which are needed to address past and current growth trends in south Maui. Other examples on Maui of projects with similar community plan and zoning designations and similar uses include the Maui Marketplace, the Maui Business Park Phases I and II, the Kahului Industrial Complex, the Lahaina Business Park, the Lahaina Gateway, the Wailuku Industrial Park, and the Millyard industrial area in Wailuku. The Project site is zoned light industrial and the proposed light industrial, business commercial and apartment uses are permitted uses within this designation.

The Project site is located within the KMCP plan area, and is designated for Light Industrial Use under the KMCP. Community plan land use (CPLU) designations are intended to depict what types of land uses are envisioned during the duration of the community plan. CPLU designations are intended to guide decision-making for changes in zoning, subdivisions, budgeting and



capital improvements, and developments in the community plan area. CPLU designations do not provide, nor are they intended to provide an exclusive or complete lists of land uses allowed, nor do they provide specific development standards. On the other hand, zoning designations regulate land use, and zoning designations provide exclusive and complete lists of land uses and specific development standards.

Light Industrial is described in the KMCP as "warehousing, light assembly, service and craft-type industrial operations." Although the KMCP describes light industrial in this manner, the County Planning Department has stated that "the County's M-1 Light Industrial District is a tiered system allowing for businesses uses in addition to light industrial uses." In support of this conclusion, the Planning Department issued a letter dated April 13, 2012, which provides direction as to the acceptability of the proposed uses for the Project. This letter is provided in Appendix S of the FEIS.

Further, as noted in Section V.D of the FEIS:

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

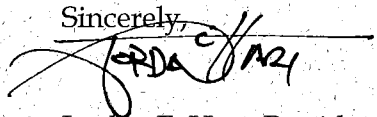
In response to comments regarding traffic mitigation measures, Section III.D.1 of the FEIS has been revised to include the following language:

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of the Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.

- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,  


Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

**TO: LUC:** Mr. Daniel E. Orodener – Executive Officer      Email: [luc@dbedt.hawaii.gov](mailto:luc@dbedt.hawaii.gov)  
Department of Business, Economic Development & Tourism  
235 South Beretania Street, Room 406    PO Box 2359  
Honolulu, Hawai'i 96804-2359

**TO: APPLICANTS:** Pi'ilani Promenade North, LLC and Pi'ilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
Mr. Robert Poyner, Vice President (214.692.4227)      Email: [bpoyner@sraco.com](mailto:bpoyner@sraco.com)  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

**TO: CONSULTANT:** Chris Hart and Partners, Inc.,      Email: [jhart@chpmaui.com](mailto:jhart@chpmaui.com)  
115 N. Market St., Wailuku, HI 96793.  
Contact: Mr. Jordan E. Hart (808) 242-1955

**TO: OFFICE OF ENVIRONMENTAL QUALITY CONTROL**  
**Ms. Jessica Wooley, Director** (808) 586-4185      Email: [oeqchawaii@doh.hawaii.gov](mailto:oeqchawaii@doh.hawaii.gov)  
Hawai'i Department of Health  
235 South Beretania Street Room 702  
Honolulu, HI 96813

**FROM:** Prof. Dick Mayer      Email: [dickmayer@earthlink.net](mailto:dickmayer@earthlink.net)  
1111 Lower Kimo Dr. Kula, Maui, HI 96790

**RE: Piilani Promenade – DRAFT-EIS**

**October 1, 2014**

**On July 15, 2014 I requested that that this “Draft-EIS for the Pi'ilani Promenade project” NOT be published in OEQC’s “The Environmental Notice” because the document is incomplete and inadequate, even as a “Draft” - EIS.**

**It was not and still is not “ripe for publication and public review”.** Reviewers from both the general public and government agencies are unable to make the needed comments that would assist in preparing a Final-EIS.

-----  
The environmental review process has three stages:

1) A **Preparation Notice (EISPN)** is issued to solicit concerns and issues from government departments, communities, and the general public. **The responses received by the applicant must be responded to in the Draft-EIS.**

2) A **Draft-EIS** is prepared with the intention of giving reviewers a portrayal of the anticipated impacts, both beneficial and negative. It includes proposed mitigation measures to eliminate or reduce negative impacts. **The Draft-EIS has a 45 day comment period which is the last opportunity for the general public to make meaningful comments on the proposed project.**

3) A **Final-EIS** is developed that is submitted to the accepting agency. There is no public comment period; thus it is important to remember that this Draft-EIS is the last real opportunity for the general public to provide any input or feed-back..

In reviewing the Piilani Promenade DRAFT-EIS, several serious deficiencies have become apparent. These deficiencies have legal implications because they thwart the intent of HRS 343 to provide for the proper environmental review of projects such as this one.

1) Issues/questions raised during the EIS Preparation Notice (EISPN) process were incompletely addressed or not addressed at all. (Pages 2-5 below)

2) Many significant issues/impacts were relegated to a future date, which means that the government agencies and the general public will not be able to review these issues and will be unable to provide needed input into the review process. (Pages 6-7 below)

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**1) Issues/questions raised during the EIS Preparation Notice (EISPN) process were incompletely addressed or not addressed at all.**

**1.A)** In response to the EISPN, the Hawaii State Office of Planning pointed out several areas of concern on PDF pp. 263-265. **Unfortunately, the Draft-EIS does NOT include adequate responses to these Office of Planning requests for information. Responses are necessary for a reviewer of the Draft-EIS to make relevant comments.**

“4. **Workforce Housing.** . . . “The Draft EIS should indicate whether additional subdivision actions are proposed for the Petition area.”

“5. **Project Schedule.** “The Draft EIS should include a project timetable for the development and infrastructure. The timetable should also include information on projections for the number of apartment units to be constructed per year and/or the floor area/square footage for each type of use, such as business, commercial, and light industrial.”

“6. **Sustainability and Resource Use** . . . “The Draft EIS should include a section that describes sustainable design and development measures the project will incorporate or consider in development of the project.” . . . “The Draft EIS should also quantify the current energy use and projected energy requirements of the project, and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources.”

“7. **Access easements.** A timeframe for obtaining the access easements and a discussion of progress in acquiring the easements should be provided.

“9. **Traffic.** “The Traffic Impact Analysis Report (TIAR) should include all residential units within the Petition area, including the residential units within the Honuaula lot.”

**Where are these Hawaii State Office of Planning concerns addressed? I would like to be able to review the applicant’s responses.**

**1.B)** (PDF page 273) Hawaii DOT-Highways requested the ability to review the TIAR and to be able submit comments. “We will provide our comments to the subject project when we review the revised Traffic Impact Analysis Report (TIAR). Please provide two copies of the revised TIAR to the Highways Division, Planning Branch and one copy to our Maui District Office.”

Those H-DOT comments are not available to reviewers of this draft EIS. The public and other government departments should be able to examine those important comments when reviewing the Draft EIS.

**1.C)** Mr. Kyle Ginoza, Director of the Maui County Department of Public Works, asked that the project: “Provide a 20 foot easement along Piilani Highway for future sewer transmission line.” The Draft-EIS refused to even respond to this County request.” (PDF page 317-318)

**1.D)** On this large 77 acre project there is only a two acre park being proposed. In October 2013, Mr. Glenn Correa, Maui County Parks Dept. Director, requested (PDF page 327) a meeting with the Parks Department to discuss park requirements. 8 months later Piilani Promenade planners have yet to meet and discuss those requirements which will be of great importance to the residents of both the proposed 226 units and the neighboring 250 unit Honuaula housing project. There will be many children in these multi-family units and the public should be able to review the arrangements that are agreed upon between the developer and the County Parks Department.

**1.E)** The Kihei Community Association responded to the EIS-Prep Notice with a number of very relevant questions (PDF Pages 336-344):

- a) View corridors to the mauka direction;
- b) Compliance with the Kihei-Makena Community Plan;
- c) Need to show bicycle and pedestrian connections on the property and to the rest of the community;
- d) Given the extensive number of wells already operating and planned in South Maui, what will be the effect (Quantities, salinity, etc.) on the water table of drawing a continual flow of irrigation water; and
- e) Since this project is providing absolutely no increase in potable water source development (a new water tank is NOT a source), what will be the effect on all of the future planned South Maui community if Piilani Promenade uses the limited supply of potable water from the State C.W.R.M.-managed Na Wai Eha water aquifer? Also what will be the effect on the water-short Central Maui?

The Draft-EIS does not answer these questions. In fact it does the opposite by stating that views will be blocked by buildings that are 60' high!! There is no map/diagram showing the internal bike/pedestrian routes. It tries to get away from the water source development issue by touting its new water tank which is needed to service the project with a required fire flow capacity, but provides no new source supply.

**1.F)** Lila Sherman, Kihei resident, asks (PDF page 351) that the Draft-EIS should not just consider new jobs and revenues on the project site, but consider the NET effect on South Maui's existing community.

The DRAFT-EIS never discusses this, even though the consultant (PDF Page 352) states, “The Draft EIS **will** evaluate potential impacts to the environment, including those identified in your letter”.

**1.G)** South Maui Citizens for Responsible Growth (SMCRG) raises many of the issues cited above, but also focuses on the economic issues. Unfortunately, the Piilani Promenade Draft-EIS does not provide an adequate discussion of the issues raised in the EIS-Preparation Notice process. For example:

The totality of information on economic effects is contained in two places: in the text of the report at PDF pages 62 - 64, which is superficial and does not answer any of the questions posed, and in the referenced Appendix "K," that likewise fails to address any of the questions posed in SMCRG's letter. The "Economic and Fiscal Impact Assessment" found at Appendix "K" is largely generic and mostly focused on marketing, not impact.

A limited discussion of impact is found on PDF pages 62 – 64 under the heading "Economic Impacts of Development," but it speaks selectively and narrowly to alleged good economic benefits that will flow from the development: short-term construction jobs and wages earned thereafter by employees of businesses located within the shopping centers.

Significantly, there is NO discussion of (1) impact on the community's desire to concentrate retail/commercial development in four areas *makai* of the highway to address sprawl and to create downtowns and a sense of place, (2) impact on or consistency with the community plan, or even (3) mention of likely impact on key pending projects like the Krausz Downtown Kihei project that conforms to the community plan and will create a real downtown corridor from Azeka Place at the intersection of South Kihei Road and Piikea, extending to the Piilani Shopping Center at the intersection of Piikea and Piilani Highway. The Krausz project was heard again by the Maui County Planning Commission in early August, and is celebrated by the community as a way to transform South Maui into a desirable place to live, work and recreate. Will the Piilani Promenade applicant's proposed development kill the Krausz project? Impact the Krausz development? Compete with the Krausz development, and if so, how and to what extent and at what price to the community?

Furthermore, the Public Sector Fiscal Analysis contained in Appendix K is totally flawed. It provides an estimate of the anticipated State and County revenues and grossly underestimates the concurrent State and County expenditures. Thus, Appendix K and the whole DEIS provides a most misleading conclusion, namely that this project will be highly beneficial to the Hawaii State and Maui County government finances.

For example, Appendix K (Pages 50-54 in Volume 3, PDF pages 89-93) deals with "Public Fiscal Costs/Benefits Associated with the Project". The Appendix touts the benefits to the government, "Maui County and the State of Hawaii will receive millions of dollars in tax receipts from the construction and "operation" of PP, from numerous revenue sources."

However, if the subsequent analysis had been done properly, it would show that State and County costs were higher than stated in Appendix K. Unfortunately, the economist who did the analysis did not multiply correctly!

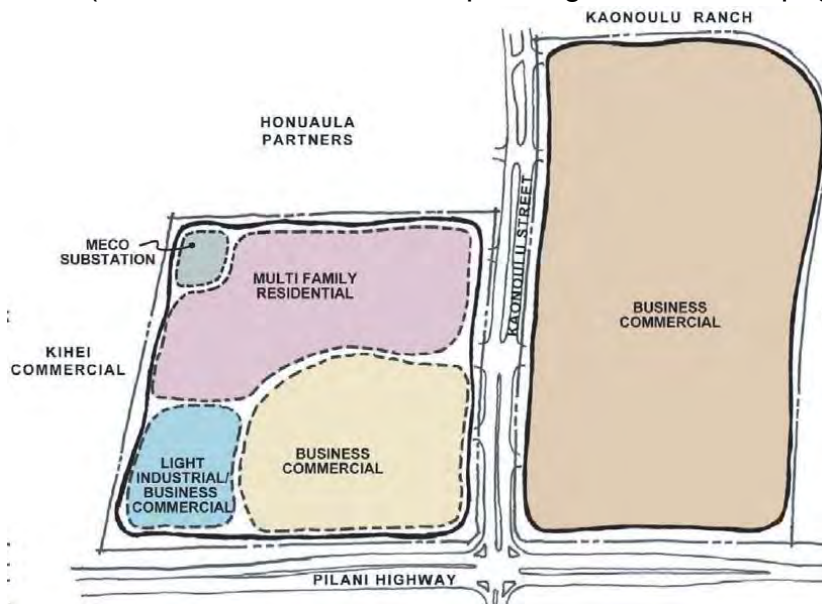
The economist claimed Appendix K (Pages 53 in Volume 3, PDF pages 92) that the County's costs would be **\$393,288 per year** on average, and the State's costs equal to **\$1.05 million** on an annual stabilized basis.

Actually, using the economist's own assumptions:

the County will have costs (607 people times \$3,239 per person) of **\$1,966,073 per year**; and the State will have costs (607 people times \$8,687 per person) of **\$5,273,009 per year**. (See Volume 3, Appendix K, PDF page 92-93)

**1.H)** Daniel Kanehele, Kihei resident, raises the issue that the proposed project is inconsistent with the community plan and zoning. **Only 5 acres** (out of the 88 acres) are indicated for “Light Industrial”. And even these 5 acres may become “business commercial”. **There may even be NO ‘light industrial’.**

(See the crude “bubble map” in Figure 3 on PDF page 244 in Volume 1)



*Volume 1, figure 3, PDF p. 244*

The LUC’s conditions for the 1995 Boundary Amendment was for an Urban land use designation with ‘light industrial’ in the community plan and in zoning. Maui County’s description of Light Industrial M-1 zoned land is unambiguous (Maui County Code 19.24). Even though some housing and commercial businesses is allowed in a light industrially zoned area, “The M-1 light industrial district is designed to contain **mostly** warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded except for dwelling units located above or below the first floor and apartments.” (Ord. No. 3975, § 2, 2012) (**Maui County Code 19.24**)

The Draft-EIS totally refuses to address this issue which has been raised by many others.

**1.I)** Maui Tomorrow, (PDF page 380) reinforces the previous observation about the proposed Piilani Promenade project not meeting Maui County’s requirements: “Factors that trigger a need for a Community Plan Amendment for all parcels in the original 88-acre project area”

The Kihei-Makena Community Plan "Land Use and Policy" section has specific language referring to the Ka'ono'ulu parcel ("south of Ohukai and mauka of Piilani Highway") setting its character as primarily "light Industrial"

*k. Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Piilani Highway, . . . These areas **should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use.*** (Emphasis added)



The Draft EIS should acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial (exactly the opposite as is specified in the community plan) with 476 housing units that were not envisioned nor approved in the community plan. And those housing units are not all 'above or below the first floor'. They are on the first floor!

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**2) Many significant issues/impacts were relegated to a future date, which means that the government agencies/reviewers and the general public will not be able to review these issues/impacts and will be unable to provide needed input into the review process. They include:**

2.A) There is no detailed diagram or map that will indicate the location of any roads, parking areas, recreational park, buildings, etc.

2.B) There is not even a single table, chart, or graph indicating the detailed acreage or square footage of what is being proposed.

2.C) There is no mention of the number of parking places, the location of parking, the proximity to the proposed housing, etc.

2.D) There remains a mystery as to what will happen to the "missing 60,000 gallons per day of potable water". The project is estimated to use about 170,000 GPD of potable water, and have only 110,000 GPD of wastewater.

2.E) Nowhere is it indicated that this project will have two malls on either side of the proposed Kihei-Upcountry highway. Furthermore, it is not mentioned that much of the square footage that was originally proposed in the "Outlet Mall" is now shifted to the south side of the new highway, making that mall very large. Will there be adequate parking? How will traffic be impacted?

2.F) The Draft-EIS states, volume 1 pp. 65-66 (PDF page 84 -85) that there will be a number of new offsite intersections and roads built. However, the Draft-EIS does not clarify who is responsible to pay and build those projects, and what are the consequences for Piilani Promenade if those projects are not built. Those projects are not likely to be completed in the near future, or even ever. And then what will happen?

2.G) Similarly, the Draft-EIS assumes. Volume 1, pages 68-69 (PDF page 87-88) that there will be a number of new offsite intersections and roads needed in the future. Again it is unclear if those projects are likely to be completed, and who is responsible to building those very expensive roads. What happens to the Piilani Promenade generated traffic if those other intersections and roads are not built?

2.H) To add to the transportation confusion, the Draft-EIS Volume 1 Page 69 (PDF page 88) states that a “Transportation Coordinator **should** be designated by the developer or property manager.” However, there is no commitment being made to do so, not even a short-term commitment.

2.I) Missing entirely is a timeline that would indicate the sequencing of the project. For example, it is important to know if the housing will be completed early-on, later as an after-thought, or not at all if for example the property is sold.

2.J) In trying to justify the housing component, the Draft-EIS claims that there is a need for thousands of additional units in South Maui, but the Draft-EIS has made no effort to calculate or list the many thousand already entitled units in the community.

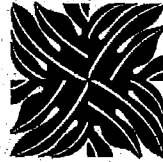
2.K) The project intends to significantly re-route the main Maui County Department of Water Supply South Maui water-line. However, this Draft-EIS only states that the present waterline will be cut, a new alignment will be constructed, and additional pipe will be installed. The DEIS makes no effort to describe any impacts on South Maui water flow from the rerouting which includes several new 90 degree bends in the pipe, etc. Since this is a main County waterline, this rerouting itself will require some kind of an environmental assessment.

2.L) Most significantly, the Draft-EIS has given only half of the story with regard to retail impacts, jobs, and government revenues. If this project is built, it will have an enormous effect on the existing South Maui retail community, probably forcing many present retailers out of business; perhaps even forcing existing malls into bankruptcy. The Draft-EIS should estimate the **NET CHANGES** in a) retail space, b) jobs, c) State excise tax revenues, and d) Maui County property tax revenues. Without those estimates, the present Draft-EIS is a developer’s marketing tool, and the document cannot be properly analyzed.

**A FINAL-EIS based on this version of the DRAFT-EIS denies reviewers a legitimate opportunity to give substantive and complete input into the HRS 343 environmental review process.**

**Therefore, because of the unanswered questions from the EISPN process and the many omissions, I ask the LUC and the OEQC to deny this version of the Draft-EIS and await a suitable Draft-EIS document that will form a proper basis for a review by government agencies, our communities and the general public.**

Mahalo for considering these many concerns, Prof. Dick Mayer



CHRIS  
HART  
& PARTNERS, INC.

June 13, 2017

Mr. Dick Mayer  
1111 Lower Kimo Dr.  
Kula, HI 96790

Dear Mr. Mayer,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMKs: (2) 3-9-001:016,170-174.

Thank you for your comment letter of October 1, 2014. Below are the responses to your comments.

**COMMENT 1:**

*On July 15, 2014 I requested that that this "Draft-EIS for the Pi'ilani Promenade project" NOT be published in OEQC's "The Environmental Notice" because the document is incomplete and inadequate, even as a "Draft" - EIS. It was not and still is not "ripe for publication and public review". Reviewers from both the general public and government agencies are unable to make the needed comments that would assist in preparing a Final-EIS.*

*The environmental review process has three stages:*

*1) A Preparation Notice (EISPN) is issued to solicit concerns and issues from government departments, communities, and the general public. The responses received by the applicant must be responded to in the Draft-EIS.*

*2) A Draft-EIS is prepared with the intention of giving reviewers a portrayal of the anticipated impacts, both beneficial and negative. It includes proposed mitigation measures to eliminate or reduce negative impacts. The Draft-EIS has a 45 day comment period which is the last opportunity for the general public to make meaningful comments on the proposed project.*

*3) A Final-EIS is developed that is submitted to the accepting agency. There is no public comment period; thus it is important to remember that this Draft-EIS is the last real opportunity for the general public to provide any input or feed-back..*

**Response 1:** The Applicant has consulted with the State Land Use Commission and prepared the Draft EIS in accordance with HRS Chapter 343. The Draft EIS was found by the Accepting Authority to be complete and was published on August 23, 2014. A meeting with you and the Applicant's representative and technical consultants did occur on October 30,

2014 to further discuss your concerns and receive input as to how the document could be improved.

The Final EIS will be published in the Environmental Notice and the report document will be made available to the public online at the OEQC website.

**COMMENT 2:**

*In reviewing the Pi'ilani Promenade DRAFT-EIS, several serious deficiencies have become apparent. These deficiencies have legal implications because they thwart the intent of HRS 343 to provide for the proper environmental review of projects such as this one.*

*1) Issues/questions raised during the EIS Preparation Notice (EISPN) process were incompletely addressed or not addressed at all.*

*1.A) In response to the EISPN, the Hawaii State Office of Planning pointed out several areas of concern on PDF pp. 263-265. Unfortunately, the Draft-EIS does NOT include adequate responses to these Office of Planning requests for information. Responses are necessary for a reviewer of the Draft-EIS to make relevant comments.*

*"4. Workforce Housing. . . "The Draft EIS should indicate whether additional subdivision actions are proposed for the Petition area."*

**Response 2:** The Applicant has sought to present information on all anticipated impacts resulting from the project considered in accordance with the requirements of HRS Chapter 343 and HAR Title 11, Chapter 200. As presently proposed, the Project will not require additional subdivision action for the Petition area.

The Applicant's responses to the Office of State Planning comment letter on the EISPN were available in Appendix A of the DEIS. The Applicant's responses to the Office of State Planning comments on the DEIS are available in the FEIS in Appendix P.

**COMMENT 3:**

*"5. Project Schedule. "The Draft EIS should include a project timetable for the development and infrastructure. The timetable should also include information on projections for the number of apartment units to be constructed per year and/or the floor area/square footage for each type of use, such as business, commercial, and light industrial."*

**Response 3:** In response to comments regarding the proposed project schedule, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:

**Development Phasing**

It is anticipated that the Pi'ilani Promenade project will be constructed in two (2) three (3) phases upon receipt of LUC approval and as market conditions warrant.

Phase one is the Pi'ilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUH) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank, the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

Phase two three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Pi'ilani Promenade will be obtained by in the second quarter of 2016/2017 and construction for Phase 1 and 2 is expected to be completed in 2018. Phase 2 and Phase 3 developments are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.

As requested by the LUC and the Office of Planning, Table 1.a below provides an estimated timeline for development and estimated construction cost for the proposed project. The estimated construction costs will be privately paid for by the Applicant, no public funds are being used to construct the proposed project.

**Table No. 1a**  
 Development Phasing Timeline with Cost Estimate

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b><u>Phase 1</u></b>			
<u>Site work Improvements</u>	<u>\$1,256,710.00</u>	<u>Upon approval of the Motion to Amend by the LUC</u>	<u>16 months after approval of the Motion to Amend by the LUC</u>
<u>East Kaonoulu Street Improvements</u>	<u>\$2,299,046.00</u>	<u>"</u>	<u>"</u>
<u>Pi'ilani Highway Widening Improvements</u>	<u>\$1,411,106.00</u>	<u>"</u>	<u>"</u>

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
Access Road and Swales	\$1,771,330.00	"	"
Sewer System/Revisions	\$712,592.00	"	"
Storm Drainage System/Revisions	\$2,895,052.00	"	"
Onsite Water System	\$834,700.00	"	"
12" Offsite Water/1MG Water Tank	\$4,802,784.00	"	"
36" Water Main/Water/Misc. Revisions	\$2,444,940.00	"	"
Electrical	\$885,566.00	"	"
Traffic Signal Improvements	\$643,000.00	"	"
Landscape/Irrigation	\$1,202,000.00	"	"
CRM Walls	\$900,000.00	"	"
<b><u>Phase 2</u></b>			
<u>Light Industrial</u>	<u>\$13,000,000</u>	<u>Prior to completion of Phase 1</u>	<u>15-16 months after commencing work</u>
<u>Business/Commercial</u>	<u>\$27,500,000</u>	"	"
<u>Apartments</u>	<u>\$33,500,000</u>	"	<u>12 to 13 months after commencing work</u>
<b><u>Phase 3</u></b>			
<u>Business/Commercial</u>	<u>\$118,250,000</u>	<u>Prior to completion of Phase 2, this portion of development is market driven</u>	<u>15-16 months after commencing work</u>

**COMMENT 4:**

"6. Sustainability and Resource Use . . . "The Draft EIS should include a section that describes sustainable design and development measures the project will incorporate or consider in development of the project." . . . "The Draft EIS should also quantify the current energy use and projected energy requirements of the project, and discuss measures to be taken to reduce energy demand, promote energy efficiency, and to promote use of alternative, renewable energy sources."

**Response 4:** As mentioned in section III. D. 5 (Electrical) the FEIS, the project Civil Engineer has calculated the projected energy demand of 6,250 kVA for the proposed project.

In response to comments regarding sustainability the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

<u>Chapter 226-108 Sustainability priority.</u>			
<u>Priority guidelines to promote sustainability:</u>			
<u>Priority Guidelines:</u>	<u>S</u>	<u>N</u> <u>L</u> <u>S</u>	<u>N</u> <u>L</u> <u>A</u>
(1) <u>Encouraging balanced economic, social, community, and environmental priorities;</u>	<u>✓</u>		
(2) <u>Encourage planning that respects and promotes living within the natural resources and limits of the State;</u>	<u>✓</u>		
(3) <u>Promote a diversified and dynamic economy;</u>	<u>✓</u>		
(4) <u>Encouraging respect for the host culture;</u>	<u>✓</u>		
(5) <u>Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;</u>	<u>✓</u>		
(6) <u>Considering the principles of the ahupua'a system; and</u>	<u>✓</u>		
(7) <u>Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawaii.</u>	<u>✓</u>		
<u>Analysis: The Project will provide greatly needed affordable and market rate rental units in Kihei. Providing Affordable Housing for Maui residents is priority of Maui Island Plan, Kihei -Makena Community Plan and the Department of Housing and Human Concern. The Project also supports Hawaii State Plan Chapter 226, HRS 226-106 "Affordable Housing" which sets priority guidelines for the provision of affordable housing in the State of Hawaii.</u>			
<u>The Project is a planned urban infill project that will complement the light industrial development to the north and the proposed Kihei High School to the south, and is an appropriate location for urban development. The Project is approximately 0.5 miles from commercial services located at the Pi'ilani Shopping Center and 0.4 miles from the commercial services located at Ohukai Road. The Project site is approximately 1 mile from the public beach access along South Kihei Road.</u>			



The proposed mixed use development will provide light industrial, commercial and rental housing opportunities for workforce residents. The allowable mix of permitted uses on the Project site, including rental opportunities support a dynamic economy by providing additional light industrial, retail, commercial and housing options to Maui's workforce residents and visitors.

The Applicant has prepared a revised Cultural Impact Assessment to study and document cultural practices which may affect the project site. It was determined that the proposed project would not have an adverse impact on any cultural activities or significant historic sites. In addition an Archaeological Inventory was completed in 2015 as part of the Final EIS and the State Department of Land and Natural Resources, State Historic Preservation Division approved the AIS report in January 2016.

The Project can be described as urban infill that will complete an existing neighborhood and provide needed affordable rental units in the near future. The Applicant anticipates acceptance of the FEIS, which will document that the Project will not compromise the needs of future generations.

In the context of the Ahupua'a system, the Project will seek to improve the quality of storm water runoff as it travels towards the ocean through the implementation of the onsite drainage system which will provide storage for the increase in stormwater runoff in compliance with Chapter 4. "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 Rules for the Design of Storm Water Treatment Best Management Practices." The makai Project site boundary fronts Pi'ilani Highway and is approximately 0.5 miles from the ocean.

The Applicant is providing the Project residents with a 2-acre park space in front of the apartment development to promote recreation opportunities. In addition, sidewalks and bike paths will be incorporated into the site plan to promote no-vehicular circulation on the site.

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi'ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

**COMMENT 5:**

*"7. Access easements. A timeframe for obtaining the access easements and a discussion of progress in acquiring the easements should be provided.*

**Response 5:** In response to comments regarding the proposed project schedule, the FEIS section II. E. (Proposed Project Description) has been revised to include the following language:

All known easements necessary for the on and off site improvements needed for the Project have been secured and finalized through the large lot subdivision process.

**COMMENT 6:**

*"9. Traffic. The Traffic Impact Analysis Report (TIAR) should include all residential units within the Petition area, including the residential units within the Honua'ula lot."*

**Response 6:** In response to comments to include all residential units within the Petition area, the FEIS section III. D. 1. (Roadways) have been revised to include the following language:

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further, the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125units) and Residential Condominium/Townhouse (125 units) from the Trip Generation, 8th Edition (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.

- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for With Project includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

- In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East

Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.

**COMMENT 7:**

*Where are these Hawaii State Office of Planning concerns addressed? I would like to be able to review the applicant's responses.*

**Response 7:** The Applicant's responses to the Office of State Planning comment letter on the EISPN were available in Appendix A of the DEIS. The Applicant's responses to the Office of State Planning comments on the DEIS are available in the FEIS in Appendix P.

**COMMENT 8:**

*1.B) (PDF page 273) Hawaii DOT-Highways requested the ability to review the TIAR and to be able submit comments. "We will provide our comments to the subject project when we review the revised Traffic Impact Analysis Report (TIAR). Please provide two copies of the revised TIAR to the Highways Division, Planning Branch and one copy to our Maui District Office."*

*Those H-DOT comments are not available to reviewers of this draft EIS. The public and other government departments should be able to examine those important comments when reviewing the Draft EIS.*

**Response 8:** The State DOT comment letter on the EISPN acknowledges that the Department will be a commenting agency on the DEIS. State DOT comments on the DEIS were issued on October 6, 2014 and are included in the FEIS, Appendix P.

**COMMENT 9:**

*1.C) Mr. Kyle Ginoza, Director of the Maui County Department of Public Works, asked that the project: "Provide a 20 foot easement along Pi'ilani Highway for future sewer transmission line." The Draft-EIS refused to even respond to this County request." (PDF page 317-318)*

**Response 9:** In response to comments regarding the 20 foot easement, the FEIS Section III. D. 4. (Wastewater) has been revised to include the following language:

In a comment letter from the Department of Environmental Management, Wastewater Division, the County is requesting that the Applicant provide a 10,000 square foot lot for a future wastewater pump station and associated easement for transmission line that would service future development in north-central Kihei (See: Appendix A "EISPN Letters with Responses"). The Applicant is coordinating with the Department on the optimal location to provide for the 10,000 square foot lot and associated 20-foot wide easement.

At the time of publication of this FEIS, the Department of Environmental Management, Wastewater Division has not prepared designs for the sewer line or pump station and has not included the future sewer line or pump station in any capital improvement program (CIP) budget request for design. The Applicant will continue to cooperate with the Department of Environmental Management, Wastewater Division to set aside an area in the Project site for the pump station and sewer line.

**COMMENT 10:**

*1.D) On this large 77 acre project there is only a two acre park being proposed. In October 2013, Mr. Glenn Correa, Maui County Parks Dept. Director, requested (PDF page 327) a meeting with the Parks Department to discuss park requirements. 8 months later Pi'ilani Promenade planners have yet to meet and discuss those requirements which will be of great importance to the residents of both the proposed 226 units and the neighboring 250 unit Honuaula housing project. There will be many children in these multi-family units and the public should be able to review the arrangements that are agreed upon between the developer and the County Parks Department.*

**Response 10:** Parks Assessment requirements are triggered by the development of Residential Units. The Project will comply with the County of Maui's Parks Assessment Requirements. In response to comments regarding the parks requirement, the FEIS Section III. C. 1. (Recreational Facilities) has been revised to include the following language:

The Applicant met with the County Department of Parks & Recreation on March 13, 2015 to discuss how the parks and playgrounds assessment requirements for the proposed Project can be satisfied in accordance with MCC Section 18.16.320. As a result of the meeting, the Applicant is proposing the following general changes to the on-site park space:

1. Inclusion of active play space and facilities within the park areas;
2. Inclusion of parking for park users; and

3. Possible reconfiguration of the park acreage to create a more contiguous park area.

Additionally, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off-street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options other than vehicular access, the Pi'ilani Promenade includes a pedestrian and bike pathway system adjacent to and within the Project site, as shown in Figure 15 "Conceptual Circulation Plan". The red bike lane shown in Figure 15 is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the Project site and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the Project site.

**COMMENT 11:**

*1.E) The Kihei Community Association responded to the EIS-Prep Notice with a number of very relevant questions (PDF Pages 336-344):*

- a) View corridors to the mauka direction;*
- b) Compliance with the Kihei-Makena Community Plan;*
- c) Need to show bicycle and pedestrian connections on the property and to the rest of the community;*
- d) Given the extensive number of wells already operating and planned in South Maui, what will be the effect (Quantities, salinity, etc.) on the water table of drawing a continual flow of irrigation water; and*
- e) Since this project is providing absolutely no increase in potable water source development (a new water tank is NOT a source), what will be the effect on all of the future planned South Maui community if Pi'ilani Promenade uses the limited supply of potable water from the State C.W.R.M.-managed Na Wai Eha water aquifer? Also what will be the effect on the water-short Central Maui?*

*The Draft-EIS does not answer these questions. In fact it does the opposite by stating that views will be blocked by buildings that are 60' high!! There is no map/diagram showing the internal bike/pedestrian routes. It tries to get away from the water source development issue by touting its new water tank which is needed to service the project with a required fire flow capacity, but provides no new source supply.*

**Response 11:** In response to comments regarding the parks requirement, the FEIS Section III. A. 9. (Visual Resources) has been revised to include the following language:

A view analysis was prepared by Architects Orange and depicts 4 views from Pi'ilani Highway looking across the Project site towards Haleakala. (See: Figure 16 "View Analysis"). The view analysis used the following methodology:

1. Photographs used in the analysis are approximately 5 feet 8 inches above street level on the makai side of Pi'ilani Highway, across from the Project site.
2. The estimated future finish grade is based upon preliminary calculations made by

the Project civil engineer, Warren S. Unemori Engineering, Inc.

3. The assumed 60-foot building height is based on the current County zoning code, which permits for 60-foot maximum building heights in an M-1 Zoning district. These 60-foot buildings will be set back 500 feet from the Project site boundary along Pi'ilani Highway.
4. The estimated 30-foot building height is based upon the height of mid-sized commercial buildings that may be built through-out the Project site.

As shown in the view analysis, the maximum allowable building height does not impact the public view of Pu'u o Kali or the summit of Haleakala. The extension of Kaonoulu Road will provide views towards Pu'u o Kali and the summit of Haleakala, but is not considered a major view corridor.

The proposed apartments will be a maximum of three (3) stories tall, up to a maximum allowable height of 60 feet provided for in the M-1 zoning district. The light industrial and commercial buildings are permitted to have a maximum height of 60 feet, however, the estimated height of future buildings is unknown at this time.

The Applicant is proposing to develop the Project with the following development standards as mitigation measures to limit the impacts to visual resources.

1. Any buildings at the maximum height allowed by the then-current County zoning code will be set back at least 500 feet from the Project site boundary along Pi'ilani Highway.
2. Any building above 30 feet in height will be set back at least 100 feet from the western boundary of the Project site.
3. The cumulative linear frontage of buildings built within the 100 foot set back from the western boundary of the Project site will not exceed 35% of the total frontage of the western boundary of the Project site.

The proposed project will transform the character of the site from its existing large lot-only approved design vacant land to a mixed-used development consisting of retail, office, business/commercial, light industrial, multi-family (226 apartment units), and public/quasi-public (park, MECO substation) uses, as well as with pedestrian and bicycle networks, an approximately 2-acre park and landscape plantings. The project will set forth building height limits and setbacks in order to help maintain views towards the summit of Haleakala and the Pacific Ocean. In addition the open space areas incorporated into the Pi'ilani Promenade will provide view corridors in between buildings toward the Pacific Ocean and Haleakala.

*b) Compliance with KMCP plan;*

**Response:** The first page of substantive text in the 1998 Kihei Makena Community Plan it is stated:

**"A. Purpose of the Kihei-Makena Community Plan**

The Kihei-Makena Community Plan, one of nine (9) community plans for Maui County, reflects current and anticipated conditions in the Kihei-Makena region and advances planning goals, objectives, policies, and implementation **considerations to guide decision-making in the region through the year 2010**. The Kihei-Makena Community Plan provides **specific recommendations** to address the goals, objectives, and policies contained in the General Plan, while recognizing the values and unique attributes of the Kihei-Makena area in order to enhance the region's overall living environment.

... Implementation of the goals, objectives and policies contained in the Community Plan is defined through specific implementing actions, also set forth in each community plan. **Implementing actions as well as broader policy recommendations are effectuated through various processes, including zoning, the capital improvements program, and the County budgeting process."** (emphasis added)

Following the adoption of the KMCP in 1998, the Maui County Council Zoned the Project site Light Industrial without restriction of the uses permitted by Maui County Code Chapter 19.24 M-1 Light Industrial District in 1999.

In response to comments regarding the parks requirement, the FEIS Section V. D. 2. (Compliance with the Kihei-Makena Community Plan) has been revised to include the following language:

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth



Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

*c) Bicycle and pedestrian Connectivity plan.*

**Response:** In response to comments regarding the bicycle and pedestrian plan, the FEIS Section. D. 1. (Roadways) has been revised to include the following language:

Without additional connectivity and access, the resulting number of users likely to travel by foot, bike, or transit is relatively small and thus no factor was applied to the resulting volumes. However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

*d) What will be the effect on the water table in the area as a result of the project?*

**Response:** In response to comments regarding effect of the water table in the project area the FEIS Section III. A. 11. (Groundwater Resources) has been revised to include the following language:

Groundwater beneath the Project site occurs as a brackish basal lens overlying saline groundwater at depth and in hydraulic contact with seawater shore. This groundwater body has been named as the Kamaole Aquifer by the CWRM. The most reliable estimate of the Kamaole Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Kamaole Aquifer system to be 25 MGD. Of the estimated 25 MGD of groundwater recharge, the CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The Water Resource Protection Plan is currently being updated and a draft plan is expected in late 2017.

Existing water use within the Kamaole Aquifer System amounted to 1.859 MGD (Water Resource Protection Plan, 2008). This water use is primarily for golf course and landscape irrigation purposes from existing brackish wells.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

The CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The irrigation well for landscaping is expected withdraw 81,000 gpd and this limited amount of water is not anticipated to significantly impact the Kamaole Aquifer from recharging. In the future, when the County reclaimed water line is extended north towards the Project site, the Applicant will connect to the R-1 water source for irrigation water eliminating the need for the brackish irrigation well.

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

*e) What is the effect on future planned South Maui Project's if Pi'ilani Promenade uses the water?*

**Response:** The proposed project has secured water meters for the subject project and installed said meters that now await delivery of source. With the purchase of the meters the county of Maui has allocated source for the project. The Maui County Department of Water Supply is budgeting and planning for expanded source development adequate to serve Maui County into the next decade. There is no known restriction on access to domestic water in south Maui.

As a condition of subdivision approval the project was conditioned to develop water source. In discussions with the Department of Water Supply the alternative action of developing storage for the project was approved and the approved project plans now include construction of a one million gallon water tank to serve north Kihei and be dedicated to the county of Maui.

All of the domestic source for South Maui is derived from the Iao/Waihee aquifer system in central Maui. The use of that source is not expected to change and, with other system improvements adding efficiency and source, is expected to continue to provide the primary source of domestic source for central and south Maui.

**COMMENT 12:**

*1.F) Lila Sherman, Kihei resident, asks (PDF page 351) that the Draft-EIS should not just consider new jobs and revenues on the project site, but consider the NET effect on South Maui's existing community. The DRAFT-EIS never discusses this, even though the consultant (PDF Page 352) states, "The Draft EIS will evaluate potential impacts to the environment, including those identified in your letter".*

**Response 12:**

**The potential adverse impacts of the Project with mitigation measures are:**

**1. TOPOGRAPHY AND SOILS**

**Potential Impact:** Potential impacts to the land form include routing a small unregulated drainageway (Drainageway "A") to the future East Kaonoulu Street right of way as part of the overall drainage system. Additional impacts may include soil erosion and the generation of dust during construction. Clearing and grubbing activities will temporarily disturb the soil retention values of the existing vegetation and expose soils to erosion forces. Some wind erosion of soils could occur without a proper watering and re-vegetation program.

**Mitigation Measures:** As part of the overall drainage master plan, Drainageway "A" will be routed to the East Kaonoulu Street right of way with no increase in flow and will terminate at the existing culverts routing the system under and *makai* of the Pi'ilani Highway. This change will not increase the quantity of drainage water traveling through this system or downstream.

During site preparation, storm runoff from the site will be controlled in accordance with the County's "Soil Erosion and Sediment Control Standards". Typical mitigation measures include appropriately stockpiling materials on the site to prevent runoff, temporary detention, and commencing building construction and/or establishing landscaping as early as possible in order to minimize the length of exposure of disturbed soils. After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control.

**Why Mitigation Measures were selected:** Drainageway "A" is proposed to be routed underground to the East Kaonoulu right of way as part of the drainage system improvements in order to accommodate the grade changes necessary for East Kaonoulu Street and develop the property as proposed. Maui County's "Soil Erosion and Sediment Control Standards" are the recommended mitigation measures for site preparation and stormwater runoff prevention.

## 2. NOISE QUALITY

**Potential Impact:** The Acoustic Study reports that the proposed extension of Kaonoulu Street mauka of Piilani Highway will increase the existing background ambient noise levels along the center portion of the Project site. Through project build-out in CY 2032, noise levels at the Project's planned residential buildings fronting Kaonoulu Street should not exceed the 65 DNL federal standard or the State DOT 66 Leq noise abatement criteria, as long as the residential buildings are located at least 51 feet from the centerline of Kaonoulu Street.

**Mitigation Measures:** Based on the best available traffic forecasts available for future conditions following completion of the Upcountry Highway, a setback distance of 70 feet from the centerline of Kaonoulu Street is required for 65 DNL and 66 Leq to not be exceeded at these residential buildings. The Project site will be designed such that rental residential uses within the Project are located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the Project site.

**Why Mitigation Measures were selected:** This mitigation measure of providing an ample setback from the roadway was selected in lieu of constructing a sound attenuating wall along the Kihei Upcountry Highway to reduce noise impacts to residences.

### **3. ARCHAEOLOGICAL RESOURCES**

**Potential Impact:** Loss of historical sites identified on the property.

**Mitigation Measures:** Preparation of an Archaeological Data Recovery Plan and Archaeological Monitoring Plan.

**Why Mitigation Measures were selected:** The plans were recommended by the SHPD.

### **4. GROUNDWATER RESOURCES**

**Potential Impact:** Hydrologic impact to the Iao Aquifer from withdrawal of 171,000 gpd of drinking water and impact to the Kamaole Aquifer from withdrawal of 81,000 gpd of non-drinking water for irrigation.

**Mitigation Measures:** The CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Piilani Promenade drinking water demand is expected to withdraw 171,000 gpd, and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

The CWRM approved an irrigation well permit for a well built in 2011 at a wellhead elevation of 118 feet. The well has the capacity to produce 216,000 gpd of non-drinking water from the Kamaole Aquifer, and a permanent pump with an additional capacity of 150 gpm has since been installed, but is not currently in use. In addition, the Applicant is required to provide for a future connection to the County reclaimed water system that would eliminate the need for the brackish irrigation well.

**Why Mitigation Measures were selected:** Three 3-inch domestic water meters have been approved by the County DWS and are available for the Project. The issuance of water meters for the Project by the DWS carries the implicit approval by the DWS of Piilani Promenade's use of the Iao Aquifer System for drinking water.

The irrigation well was approved, and when the Maui County reclaimed water system is expanded to the Project site, the Applicant will connect to the system in compliance with the condition imposed by the County in connection with obtaining the current zoning designation.

### **5. RECREATION FACILITIES**

**Potential Impact:** Incremental impact that new development places upon the region's park facilities.

**Mitigation Measures:** The Pi'ilani Promenade is anticipated to positively impact recreational facilities by providing an approximately 2-acre park site adjacent to the proposed 226 apartments.

The Applicant met with the County Department of Parks & Recreation on March 13, 2015 to discuss how the parks and playgrounds assessment requirements for the proposed Project can be satisfied in accordance with MCC Section 18.16.320. As a result of the meeting, the Applicant is proposing the following general changes to the on-site park space:

1. Inclusion of active play space and facilities within the park areas;
2. Inclusion of parking for park users; and
3. Possible reconfiguration of the park acreage to create a more contiguous park area.

Additionally, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off-street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options other than vehicular access, the Pi'ilani Promenade includes a pedestrian and bike pathway system adjacent to and within the Project site, as shown in Figure 15 "Conceptual Circulation Plan". The red bike lane shown in Figure 15 is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the Project site and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the Project site.

**Why Mitigation Measures were selected:** The requirements for Parks and Playgrounds, pursuant to MCC Section 18.16.320, are required by the County of Maui.

## **6. SCHOOLS**

**Potential Impact:** Increase in student population

**Mitigation Measures:** Payment of the DOE school impact fee to contribute to future South Maui school facilities.

**Why Mitigation Measures were selected:** The Project site is not a preferred location for a school site, therefore the contribution of a fee is anticipated.

## **7. ROADWAYS**

**Potential Impact:** The Project will generate 564 new trips during the morning peak hour, 2,482 new trips during the afternoon peak hour and 2,651 new trips during the Saturday peak hour.

**Mitigation Measures:** Consistent with previously approved subdivision plans for the Project site, the TIAR recommends the following mitigation measures to be constructed by the Applicant at the intersection of Piilani Highway and Kaonoulu Street as part of the Piilani Promenade:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

**Why Mitigation Measures were selected:** Recommendations of the TIAR.

## **8. DRAINAGE**

**Potential Impact:** Hydrologic impact on downstream properties.

**Mitigation Measures:** Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation. Underground detention chambers located on the southern portion of the Project site and an open detention pond located in the northern portion of the Project site will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels. Once the stormwater detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow.

**Why Mitigation Measures were selected:** Compliance with County engineering standards and the recommendation of the Project Civil Engineering Preliminary Drainage Report.



## **9. WATER**

**Potential Impact:** The Project is estimated to consume on average of 252,000 gpd at full build-out, including 171,000 gpd of drinking water for domestic uses.

**Mitigation Measures:** The proposed Project will connect to the existing County water system for drinking water. At the request of the DWS, the Applicant agreed to construct a 1.0 MG water storage tank to serve the future needs of the Project and South Maui. Three 3-inch domestic water meters have been approved and are available for the Project. The combined flow capacity of these meters is 1,050 gpm, which exceeds the approximately 600 gpm of required flow capacity for the Project. Therefore, there will be adequate flow capacity to build out the Project. Consequently, no additional drinking water sources beyond the County-issued water meters are anticipated in order to construct and operate the Pi'ilani Promenade.

**Why Mitigation Measures were selected:** Consultation with DWS led to the request for construction of the 1.0 MG water tank as an alternative to source development. Additionally, the 1.0 MG water tank is part of the previously approved subdivision plans.

## **10. RELOCATION OF COUNTY WATERLINE**

**Potential Impact:** Relocating the 36-inch diameter high pressure waterline could disrupt water service during improvement work.

**Mitigation Measures:** Previously approved DWS construction plans for the relocation work include a bypass line, comprehensive site preparation work, and disconnect/connection during non-peak hours.

**Why Mitigation Measures were selected:** The current location of the County line crosses diagonally through Project site, restricting use of land over water line alignment. The proposed high pressure waterline relocation was coordinated with the DWS and the construction plans have been approved.

## **11. SOLID WASTE**

**Potential Impact:** Solid Waste generated from the Project will contribute towards the use of the Central Maui Landfill.

**Mitigation Measures:** A solid waste management plan will be coordinated with the County Solid Waste Division for the disposal of onsite and construction-related waste material. The Applicant will work with the Project contractor to minimize the amount of solid waste generated during construction. In addition, the Project will provide on-site

recycling opportunities in an effort to reduce solid waste entering the landfill. The County Solid Waste Division anticipates that additional phases of the Central Maui Landfill will be developed as needed to accommodate future waste, including waste generated by the Project.

Why Mitigation Measures were selected: A solid waste management plan is the recommended for construction projects. Providing the on-site recycling opportunities within the Pi'ilani Promenade site is a measure that will support waste diversion.

## **12. WASTEWATER**

Potential Impact: Development of the Project will generate 114,000 gpd of wastewater.

Mitigation Measures: The Applicant will pay the Regional Wastewater Treatment System Facility Expansion Assessment Fee for treatment plant expansion, which is currently assessed at \$4.65 per gallon of Project flow. The Pi'ilani Promenade will be assessed approximately \$530,100 for the 114,000 gpd of anticipated wastewater flow. The Project will connect to the existing County sewer system.

Why Mitigation Measures were selected: The Regional Wastewater Treatment System Facility Expansion Assessment Fee is required by the Department of Environmental Management.

## **13. ELECTRICAL**

Potential Impact: MECO has advised that the existing 12 kV system, based on current electrical use growth projections, does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Pi'ilani Promenade development plan.

Mitigation Measures: MECO is planning a new substation to provide the additional capacity needed to accommodate further growth in the Kihei and South Maui area.

Why Mitigation Measures were selected: The need for a substation in this area of Kihei was a requirement of MECO to continue to provide electrical needs the growth in the Kihei and south Maui areas.

### **COMMENT 13:**

*1.G) South Maui Citizens for Responsible Growth (SMCRG) raises many of the issues cited above, but also focuses on the economic issues. Unfortunately, the Pi'ilani Promenade Draft-EIS does not provide an adequate discussion of the issues raised in the EIS-Preparation Notice process. For example:*

*The totality of information on economic effects is contained in two places: in the text of the*

report at PDF pages 62 - 64, which is superficial and does not answer any of the questions posed, and in the referenced Appendix "K," that likewise fails to address any of the questions posed in SMCRG's letter. The "Economic and Fiscal Impact Assessment" found at Appendix "K" is largely generic and mostly focused on marketing, not impact.

A limited discussion of impact is found on PDF pages 62 - 64 under the heading "Economic Impacts of Development," but it speaks selectively and narrowly to alleged good economic benefits that will flow from the development: short-term construction jobs and wages earned thereafter by employees of businesses located within the shopping centers.

Significantly, there is NO discussion of (1) impact on the community's desire to concentrate retail/commercial development in four areas makai of the highway to address sprawl and to create downtowns and a sense of place, (2) impact on or consistency with the community plan, or even (3) mention of likely impact on key pending projects like the Krausz Downtown Kihei project that conforms to the community plan and will create a real downtown corridor from Azeka Place at the intersection of South Kihei Road and Piikea, extending to the Pi'ilani Shopping Center at the intersection of Piikea and Pi'ilani Highway. The Krausz project was heard again by the Maui County Planning Commission in early August, and is celebrated by the community as a way to transform South Maui into a desirable place to live, work and recreate. Will the Pi'ilani Promenade applicant's proposed development kill the Krausz project? Impact the Krausz development? Compete with the Krausz development, and if so, how and to what extent and at what price to the community?

Furthermore, the Public Sector Fiscal Analysis contained in Appendix K is totally flawed. It provides an estimate of the anticipated State and County revenues and grossly underestimates the concurrent State and County expenditures. Thus, Appendix K and the whole DEIS provides a most misleading conclusion, namely that this project will be highly beneficial to the Hawaii State and Maui County government finances.

For example, Appendix K (Pages 50-54 in Volume 3, PDF pages 89-93) deals with "Public Fiscal Costs/Benefits Associated with the Project". The Appendix touts the benefits to the government, "Maui County and the State of Hawaii will receive millions of dollars in tax receipts from the construction and "operation" of PP, from numerous revenue sources."

However, if the subsequent analysis had been done properly, it would show that State and County costs were higher than stated in Appendix K. Unfortunately, the economist who did the analysis did not multiply correctly!

The economist claimed Appendix K (Pages 53 in Volume 3, PDF pages 92) that the County's costs would be \$393,288 *per year* on average, and the State's costs equal to \$1.05 million on an annual stabilized basis.

Actually, using the economist's own assumptions:

The County will have costs (607 people times \$3,239 per person) of \$1,966,073 *per year*; and the State will have costs (607 people times \$8,687 per person) of \$5,273,009 *per year*. (See Volume 3, Appendix K, PDF page 92-93)

**Response 13:**

The implementation of the land use guidance system in the County of Maui County, in the context of Light Industrial Uses can be observed at the Wailuku Mill Yard, the Wailuku Industrial Area, the Kahului Industrial Area and in numerous other locations. The Commercial Uses allowed by M-1 Light Industrial Zoning are permitted to be developed in these locations. In the context of the Department of Planning's position with regard to this Project's conformity to the Community Plans and Zoning, it is unreasonable to represent that the original 123-lot Light Industrial would be development as something different than industrial/commercial sprawl. The original Project should be expected to function as an extension of the existing Light Industrial development to the immediate north. At the time of the adoption of the KMCP, the location of the Kihei Upcountry Highway was undetermined. The proposed Project provides a mix of uses, emphasizing Commercial, and focusing around the intersection of the Pi'ilani Highway and the future Kihei Upcountry Highway.

In response to comments regarding the economic impacts, the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Piilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

**COMMENT 14:**

*1.H) Daniel Kanehele, Kihei resident, raises the issue that the proposed project is inconsistent with the community plan and zoning. Only 5 acres (out of the 88 acres) are indicated for "Light Industrial". And even these 5 acres may become "business commercial". There may even be NO 'light industrial'.*

*The LUC's conditions for the 1995 Boundary Amendment was for an Urban land use designation with 'light industrial' in the community plan and in zoning. Maui County's description of Light Industrial M-1 zoned land is unambiguous (Maui County Code 19.24). Even though some housing and commercial businesses is allowed in a light industrially zoned area, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded except for dwelling units located above or below the first floor and apartments." (Ord. No. 3975, § 2, 2012) (Maui County Code 19.24)*

**Response 14:**

Following the adoption of the KMCP in 1998, the Maui County Council Zoned the Project site Light Industrial without restriction of the uses permitted by Maui County Code Chapter 19.24 M-1 Light Industrial District in 1999. It is the County of Maui Department of Planning's opinion that the Project as Zoned by the Maui County Council conforms to the KMCP, as it is presented. The Applicant share's the Department's opinion.

In response to comments regarding the Kihei-Makena community plan the FEIS Section V. D. (Unresolved Issues) have been revised as follows:

**2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light

Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

**COMMENT 15:**

*The Draft-EIS totally refuses to address this issue which has been raised by many others.*

*1.I) Maui Tomorrow, (PDF page 380) reinforces the previous observation about the proposed Pi'ilani Promenade project not meeting Maui County's requirements: "Factors that trigger a need for a Community Plan Amendment for all parcels in the original 88-acre project area"*

*The Kihei-Makena Community Plan "Land Use and Policy" section has specific language referring to the Ka'ono'ulu parcel ("south of Ohukai and mauka of Pi'ilani Highway") setting its character as primarily "light Industrial"*

*k. Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use."*

*The Draft EIS should acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial (exactly the opposite as is specified in the community plan) with 476 housing units that were not envisioned nor approved in the community plan. And those housing units are not all 'above or below the first floor'. They are on the first floor!*

**Response 15:**

Following the adoption of the KMCP in 1998, the Maui County Council Zoned the Project site Light Industrial without restriction of the uses permitted by Maui County Code Chapter 19.24 M-1 Light Industrial District in 1999. It is the County of Maui Department of Planning's opinion that the Project as Zoned by the Maui County Council conforms to the KMCP, as it is presented. The Applicant share's the Department's opinion.

In response to comments regarding the Kihei-Makena community plan the FEIS Section V. D. (Unresolved Issues) have been revised as follows:

**2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . These areas should limit retail business or



commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

**COMMENT 16:**

*2) Many significant issues/impacts were relegated to a future date, which means that the government agencies/reviewers and the general public will not be able to review these issues/impacts and will be unable to provide needed input into the review process. They include:*

*2.A) There is no detailed diagram or map that will indicate the location of any roads, parking areas, recreational park, buildings, etc.*

**Response 16:** Square footages of development, uses, heights & densities of structures and quantity of residential units and other necessary development parameters are provided to clearly define the impacts to be assessed by government agencies and reviewers as is necessary for decision-making at the State Land Use District Boundary Level.

The Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

At this time the conceptual site plan submitted with the DEIS provides the approximate location for the Kihei-Upcountry Highway, MECO substation, Multi-family, light industrial and commercial uses. The future park space will be located in close proximity to the multi-family apartments to provide an outdoor recreation space for residents. The development of light industrial and business commercial uses will be developed as driven by market demand for such space.

**COMMENT 17:**

2.B) *There is not even a single table, chart, or graph indicating the detailed acreage or square footage of what is being proposed.*

**Response 17:** In response to comments regarding the proposed project, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:

It is anticipated that the Pi'ilani Promenade project will be constructed in ~~two (2)~~ three (3) phases upon receipt of LUC approval and as market conditions warrant.

~~Phase one is the Pi'ilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.~~

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUHI) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank, the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses, and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

~~Phase two~~ three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Pi'ilani Promenade will be obtained ~~by in the second quarter of 2016~~ 2017 and construction for Phase 1 ~~and 2 is expected to be completed in 2018. Phase 2 and Phase 3 developments~~

are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.

As requested by the LUC and the Office of Planning, Table 1.a below provides an estimated timeline for development and estimated construction cost for the proposed project. The estimated construction costs will be privately paid for by the Applicant, no public funds are being used to construct the proposed project.

<b>Table No. 1a</b> <b>Development Phasing Timeline with Cost Estimate</b>			
<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b>Phase 1</b>			
<u>Site work Improvements</u>	<u>\$1,256,710.00</u>	<u>Upon approval of the Motion to Amend by the LUC</u>	<u>16 months after approval of the Motion to Amend by the LUC</u>
<u>East Kaonoulu Street Improvements</u>	<u>\$2,299,046.00</u>	<u>"</u>	<u>"</u>
<u>Pi'ilani Highway Widening Improvements</u>	<u>\$1,411,106.00</u>	<u>"</u>	<u>"</u>
<u>Access Road and Swales</u>	<u>\$1,771,330.00</u>	<u>"</u>	<u>"</u>
<u>Sewer System/Revisions</u>	<u>\$712,592.00</u>	<u>"</u>	<u>"</u>
<u>Storm Drainage System/Revisions</u>	<u>\$2,895,052.00</u>	<u>"</u>	<u>"</u>
<u>Onsite Water System</u>	<u>\$834,700.00</u>	<u>"</u>	<u>"</u>
<u>12" Offsite Water/1MG Water Tank</u>	<u>\$4,802,784.00</u>	<u>"</u>	<u>"</u>
<u>36" Water Main/Water/Misc. Revisions</u>	<u>\$2,444,940.00</u>	<u>"</u>	<u>"</u>
<u>Electrical</u>	<u>\$885,566.00</u>	<u>"</u>	<u>"</u>
<u>Traffic Signal Improvements</u>	<u>\$643,000.00</u>	<u>"</u>	<u>"</u>
<u>Landscape/Irrigation</u>	<u>\$1,202,000.00</u>	<u>"</u>	<u>"</u>
<u>CRM Walls</u>	<u>\$900,000.00</u>	<u>"</u>	<u>"</u>
<b>Phase 2</b>			
<u>Light Industrial</u>	<u>\$13,000,000</u>	<u>Prior to completion of Phase 1</u>	<u>15-16 months after commencing work</u>
<u>Business/Commercial</u>	<u>\$27,500,000</u>	<u>"</u>	<u>"</u>

<b>Table No. 1a</b> <b>Development Phasing Timeline with Cost Estimate</b>			
<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<u>Apartments</u>	<u>\$33,500,000</u>	<u>"</u>	<u>12 to 13 months after commencing work</u>
<b>Phase 3</b>			
<u>Business/Commercial</u>	<u>\$118,250,000</u>	<u>Prior to completion of Phase 2, this portion of development is market driven</u>	<u>15-16 months after commencing work</u>

**COMMENT 18:**

2.C) *There is no mention of the number of parking places, the location of parking, the proximity to the proposed housing, etc.*

**Response 18:**

Parking, compliant with Maui County Code Chapter 19.36A is required for the issuance of Building Permits and Certificates of Occupancy. The Project will provide required parking, compliant with Maui County Code at the time of development.

In response to comments regarding the proposed project schedule, the FEIS Section II. F. (Proposed Project Description) has been revised to include the following language:

For the purposes of quantifying the potential impacts of development on these parcels, the conceptual project assumes 530,000 total square feet of business/commercial, 58,000 square feet of light industrial, and 226 apartment units to analyze the impacts. Actual future uses and locations of structures could vary, and occupants could be a variety of possible stores and users.

Development of the Pi'ilani Promenade is subject to MCC Chapter 19.36A, Off-street parking and loading, therefore the Applicant is required to provide adequate parking on-site in appropriate locations. The proposed apartments units will require a total of 2 parking stalls per unit to be located in close proximity to the units. The light industrial portion of the Project will require one parking stall for every 600 square feet of building, or 25% of the total lot coverage, whichever is greater. The business/commercial portion of the Pi'ilani Promenade will require one parking stall for every 500 square feet of building. This parking ratio could change due to the nature of a specific use, such as a restaurant which will require one parking stall for every 100 square feet of building. The exact number of parking stalls for the project is unknown until the Applicant applies for building permits and a parking analysis is completed

by the Zoning Administration and Enforcement Division to determine the required amount of parking stalls.

**COMMENT 19:**

*2.D) There remains a mystery as to what will happen to the "missing 60,000 gallons per day of potable water". The project is estimated to use about 170,000 GPD of potable water, and have only 110,000 GPD of wastewater.*

**Response 19:** In response to comments regarding water consumption the FEIS Section III. D. 3. (Water) has been revised to include the following language:

Potential Impacts and Mitigation Measures. The Pi'ilani Promenade will consume on average of 252,000 gpd at build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of non-drinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report")

The Pi'ilani Promenade Preliminary Engineering Report uses the estimating method prescribed by the DWS to compute drinking water demand. A different method prescribed by the Maui County Department of Environmental Management is used to calculate wastewater output. The use of prescribed methods allows each agency to more accurately evaluate project demands against its own systems' capabilities by using its own standard metrics.

As an example, the DWS estimates average daily domestic water consumption for a commercial building using a rate of 140 gallons per 1000 square feet of floor area. In comparison the Department of Environmental Management estimates average daily wastewater output for the same building using a rate of 100 gallons per 1000 square feet of floor area. Though they differ, the demand rates adopted by each agency are carefully considered to reflect needed "safety factors" and other adjustments which the agencies have found, based on their own experience, allow them to best manage the complex infrastructure under its control and reliably deliver the essential services to the community with which it is tasked.

The approximate 60,000 gallon mathematical difference between the two demand figures results from different estimating methods in computing drinking water and wastewater demand.

**COMMENT 20:**

*2.E) Nowhere is it indicated that this project will have two malls on either side of the proposed Kihei-Upcountry highway. Furthermore, it is not mentioned that much of the square footage that*

*was originally proposed in the "Outlet Mall" is now shifted to the south side of the new highway, making that mall very large. Will there be adequate parking? How will traffic be impacted?*

**Response 20:**

The Draft EIS Figure 3, "Conceptual Site Plan" was provided as the reference figure for Section II.D, Proposed Project Description which depicted an area of Business Commercial on the north and south side of East Kaonoulu Street (Kihei Upcountry Highway) within the proposed development. Parking compliant with Maui County Code 19.36A is a requirement of Building Permit and Certificate of Occupancy issuance. The Project will comply with Parking Requirements prior to Building Permit and Certificate of Occupancy Issuance.

In response to comments regarding the proposed project schedule, the FEIS Section II. E. (Proposed Project Description) has been revised to include the following language:

The original development plan proposed for the Project site was developed by Eclipse Development for the Applicant (the "Eclipse Development Plan"). The basis for the Eclipse Development Plan was the current land use and zoning designations, but with no input by the Kihei community. The obvious public resistance to the Eclipse Development Plan resulted in the ownership taking responsibility for plan development and then discussing the revised concept plan with the community.

The original Eclipse Development Plan proposed approximately 695,000 SF of retail space with approximately 3,700 parking stalls, with development concentrated in two major commercial development areas with substantial paved parking lots separating them. In contrast to the current plan, the Eclipse Development plan did not include any light industrial uses or a multi-family rental housing, pedestrian and bicycle access and a park component.

The current Pi'ilani Promenade conceptual plan responds to input from the south Maui community, as well as the market and demand for housing in Maui County. The current Pi'ilani Promenade conceptual plan includes the development of a mixed-used project consisting of approximately 530,000 square feet of retail, office, business/commercial development, 58,000 square feet light industrial space, 226 multi-family apartment units, and public/quasi-public (park, MECO substation) uses. The estimated 1,609 required parking stalls required under the current Pi'ilani Promenade conceptual plan is substantially less than the 3,700 stalls proposed by the prior Eclipse Development Plan.

**COMMENT 21:**

*2.F) The Draft-EIS states, volume 1 pp. 65-66 (PDF page 84 -85) that there will be a number of new offsite intersections and roads built. However, the Draft-EIS does not clarify who is responsible to pay and build those projects, and what are the consequences for Pi'ilani Promenade if those projects are not built. Those projects are not likely to be completed in the near future, or even ever. And then what will happen?*

**Response 21:** In response to comments regarding traffic improvements by other projects, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

**Kenolio Road and Kaonoulu Street**

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

**Pi'ilani Highway and Ohukai Road**

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

**Pi'ilani Highway and Piikea Avenue**

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

**Pi'ilani Highway and Kulanihako Street**

The signalized intersection of Pi'ilani Highway at Kulanihako Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.

**Pi'ilani Highway and Kaiwahine Street**

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Piilani Highway.

**COMMENT 22:**

*2.G) Similarly, the Draft-EIS assumes. Volume 1, pages 68-69 (PDF page 87-88) that there will be a number of new offsite intersections and roads needed in the future. Again it is unclear if those projects are likely to be completed, and who is responsible to building those very expensive roads. What happens to the Pi'ilani Promenade generated traffic if those other intersections and roads are not built?*

**Response 22:** In response to comments regarding traffic improvements by other projects, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").



#### **Kenolio Road and Kaonoulu Street**

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

#### **Pi'ilani Highway and Ohukai Road**

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

#### **Pi'ilani Highway and Piikea Avenue**

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

#### **Pi'ilani Highway and Kulanihakoi Street**

The signalized intersection of Pi'ilani Highway at Kulanihakoi Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.

#### **Pi'ilani Highway and Kaiwahine Street**

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Piilani Highway.

#### **COMMENT 23:**

*2.H) To add to the transportation confusion, the Draft-EIS Volume 1 Page 69 (PDF page 88) states that a "Transportation Coordinator should be designated by the developer or property manager." However, there is no commitment being made to do so, not even a short-term commitment.*

**Response 23:** In response to comments regarding the Transportation Coordinator the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

- A Transportation Coordinator will ~~should~~ be designated by the developer or property manager. The Transportation Coordinator will be responsible for establishing, coordinating and managing the TMP strategies identified in the plan. The Transportation Coordinator will ~~should~~ also document and respond to any traffic related complaints received from the surrounding community.

**COMMENT 24:**

*2.I) Missing entirely is a timeline that would indicate the sequencing of the project. For example, it is important to know if the housing will be completed early-on, later as an after- thought, or not at all if for example the property is sold.*

**Response 24:** In response to comments regarding the proposed project schedule, the FEIS Section II. F. (Development Phasing) has been revised to include the following language:

It is anticipated that the Pi'ilani Promenade project will be constructed in ~~two (2)~~ three (3) phases upon receipt of LUC approval and as market conditions warrant.

~~Phase one is the Pi'ilani Promenade North development will include development of the northern developable lot (Parcel 16) which will include 100,000 square feet of business commercial uses, 226 rental apartment uses and 57,558 square feet of light industrial use.~~

Phase one (1) includes over \$22 million dollars in infrastructure improvements including construction of the future Kihei Upcountry Highway (KUH) through the project area, (Parcel 172) and improving the intersection of Kaonoulu and Pi'ilani Highway which provides access to the project. Phase one also includes construction of the 1.0 MG drinking water tank, the relocation of the Maui County high pressure drinking water line, the irrigation (non-drinking water) well with pump and related utility and offsite easements.

Phase two (2) is the development of the northern developable lot (Parcel 16) which will include approximately 100,000 square feet of business commercial uses, 226 rental apartment uses and approximately 58,000 square feet of light industrial use development under roof on 5 acres of land.

Phase ~~two~~ three (3) is the development of the 2 southern parcels (Parcels 170 and 171) that will consist of 430,000 square feet of business commercial.

It is anticipated that all of the necessary entitlements to fully implement the Pi'ilani Promenade will be obtained ~~by in the second quarter of 2016~~ in the second quarter of 2017 and construction for Phase 1 ~~and 2 is expected to be completed in 2018. Phase 2 and Phase 3 developments are market driven and the exact timing is unknown, however estimated full buildout of the proposed project by 2031 - 2032.~~

As requested by the LUC and the Office of Planning, Table 1.a below provides an estimated timeline for development and estimated construction cost for the proposed project. The estimated construction costs will be privately paid for by the Applicant, no public funds are being used to construct the proposed project.

**Table No. 1a**  
 Development Phasing Timeline with Cost Estimate

<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b>Phase 1</b>			
<u>Site work Improvements</u>	<u>\$1,256,710.00</u>	<u>Upon approval of the Motion to Amend by the LUC</u>	<u>16 months after approval of the Motion to Amend by the LUC</u>
<u>East Kaonoulu Street Improvements</u>	<u>\$2,299,046.00</u>	<u>"</u>	<u>"</u>
<u>Pi'ilani Highway Widening Improvements</u>	<u>\$1,411,106.00</u>	<u>"</u>	<u>"</u>
<u>Access Road and Swales</u>	<u>\$1,771,330.00</u>	<u>"</u>	<u>"</u>
<u>Sewer System/Revisions</u>	<u>\$712,592.00</u>	<u>"</u>	<u>"</u>
<u>Storm Drainage System/Revisions</u>	<u>\$2,895,052.00</u>	<u>"</u>	<u>"</u>
<u>Onsite Water System</u>	<u>\$834,700.00</u>	<u>"</u>	<u>"</u>
<u>12" Offsite Water/1MG Water Tank</u>	<u>\$4,802,784.00</u>	<u>"</u>	<u>"</u>
<u>36" Water Main/Water/Misc. Revisions</u>	<u>\$2,444,940.00</u>	<u>"</u>	<u>"</u>
<u>Electrical</u>	<u>\$885,566.00</u>	<u>"</u>	<u>"</u>
<u>Traffic Signal Improvements</u>	<u>\$643,000.00</u>	<u>"</u>	<u>"</u>
<u>Landscape/Irrigation</u>	<u>\$1,202,000.00</u>	<u>"</u>	<u>"</u>
<u>CRM Walls</u>	<u>\$900,000.00</u>	<u>"</u>	<u>"</u>
<b>Phase 2</b>			
<u>Light Industrial</u>	<u>\$13,000,000</u>	<u>Prior to completion of Phase 1</u>	<u>15-16 months after commencing work</u>
<u>Business/Commercial</u>	<u>\$27,500,000</u>	<u>"</u>	<u>"</u>
<u>Apartments</u>	<u>\$33,500,000</u>	<u>"</u>	<u>12 to 13 months after commencing work</u>

<b>Table No. 1a</b> <b>Development Phasing Timeline with Cost Estimate</b>			
<u>Project</u>	<u>Estimated Cost</u>	<u>Estimated Start Date</u>	<u>Estimated Completion Date</u>
<b>Phase 3</b>			
<u>Business/Commercial</u>	<u>\$118,250,000</u>	<u>Prior to completion of Phase 2, this portion of development is market driven</u>	<u>15-16 months after commencing work</u>

**COMMENT 25:**

2.J) *In trying to justify the housing component, the Draft-EIS claims that there is a need for thousands of additional units in South Maui, but the Draft-EIS has made no effort to calculate or list the many thousand already entitled units in the community.*

**Response 25:** In response to comments regarding net effect on south Maui's existing community the FEIS Section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language:

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

**Table No. 16d Other Potential Projects: Housing**

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms &amp; 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>
<u>Maui Research and Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/ Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<u>Total</u>	<u>Single Family</u>	<u>1,150 SF units</u>
	<u>Multi Family</u>	<u>1,410 MF units</u>
		<u>2,560 total units</u>

The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

**COMMENT 26:**

2.K) *The project intends to significantly re-route the main Maui County Department of Water Supply South Maui water-line. However, this Draft-EIS only states that the present waterline will be cut, a new alignment will be constructed, and additional pipe will be installed. The DEIS makes no effort to describe any impacts on South Maui water flow from the rerouting which includes several new 90 degree bends in the pipe, etc. Since this is a main County waterline, this rerouting itself will require some kind of an environmental assessment.*

**Response 26:** In response to comments regarding re-routing the waterline, the FEIS Section III. D. 3. (Water) has been revised to include the following language:

The Central Maui Water Transmission Line currently bisects the Honua`ula Parcel and the Project site diagonally and is proposed to be re-routed within an easement at the eastern (mauka) edge and continue underneath East Kaonoulu Street. The proposed transmission line realignment will create new bends in the pipe at the eastern (mauka) edge of East Kaonoulu Street and at the intersection of East Kaonoulu Street and Pi'ilani Highway as shown in figure 3-1 of the Preliminary Engineering Report prepared by Warren S. Unemori Engineering, Inc. The relocated waterline will be designed and engineered with proper materials to maintain the existing water flow to south Maui customers. In addition, the new 1.0 MG water tank to be constructed as part of the Project will create additional water storage capacity in south Maui. The County DWS, which has sole jurisdiction for the management of the Central Maui Water Transmission System, has already reviewed the specific construction details associated with the transmission line realignment and approved it for construction.

**COMMENT 27:**

**§343-5 Applicability and requirements.** (a) *Except as otherwise provided, an environmental assessment shall be required for actions that:*

(1) *Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses under section 205-2(d)(11) or 205-4.5(a)(13) shall only be required pursuant to section 205-5(b);*

2.L) *Most significantly, the Draft-EIS has given only half of the story with regard to retail impacts, jobs, and government revenues. If this project is built, it will have an enormous effect on the existing South Maui retail community, probably forcing many present retailers out of business; perhaps even forcing existing malls into bankruptcy. The Draft-EIS should estimate the NET CHANGES in a) retail space, b) jobs, c) State excise tax revenues, and d) Maui County property tax revenues. Without those estimates, the present Draft-EIS is a developer's marketing tool, and the document cannot be properly analyzed.*

**Response 27.** In response to comments regarding the retail impacts, jobs and government revenues, the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

The construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million (See: Appendix K, "Economic and Fiscal Impact Assessment").

The 226 unit apartment component of the Project is required to provide a certain amount of the rental units at an affordable price determined by the DHHC.

During the build out period, the project will generate approximately \$2.3 billion in economic activity. After completion and stabilization of the project, the onsite businesses will generate approximately \$348.7 million in revenues/sales per year (See: Appendix K, "Economic and Fiscal Impact Assessment").

The State of Hawaii will receive \$210.7 million in net tax revenue (profit) during development of the project and \$26 million per year to the State on an annualized basis thereafter. The project will generate \$25.9 million in net tax revenue (profit) during the build-out period and \$2.2 million in annual net tax revenue (profit) to the County of Maui after the build-out period.

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Piilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has

designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

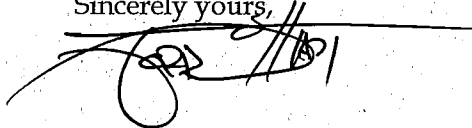
It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Street). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).



Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

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OCT - 2 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brett  
project file  
on s drive

South Maui Citizens for Responsible Growth  
4320 E. Waiola Loop  
Kihei Hawaii 96753  
(808) 874-3839

Applicant:

Pi'ilani Promenade North, LLC  
Pi'ilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

Accepting Authority:

Land Use Commission  
Department of Business &  
Economic Development  
State of Hawaii  
P.O. Box 2359  
Honolulu, HI 96804-2359

Consultant:

Chris Hart & Partners, Inc.  
Attn: Jordan Hart  
115 North Market Street  
Wailuku, HI 96793

Re: DEIS for Pi'ilani Promenade  
TKM: (2) 3-9-001: 016,170-174

South Maui Citizens for Responsible Growth ("SMCRG") submits the following comments and objections to the Draft Environmental Impact Statement ("DEIS") filed by Pi'ilani Promenade North and South for the development known as Pi'ilani Promenade ("Project").

The DEIS is not ripe for review since neither it nor Applicant's letter in response to SMCRG's October 14, 2013, letter re the EISPN address many of the central questions raised about the Project and its environmental impact. As a result, the DEIS thwarts the intended environmental review process that is designed to afford interested parties a means to question and assess the true impact a project will have on a community. The comments below are made in the absence of this critical information and are made without waiving this objection to the ripeness of the draft.

## PART I. OVERARCHING COMMENTS

I. SCHOOLS AND SAFE ACCESS TO SCHOOL: The DEIS lacks any analysis of the Project's impact on local schools and children.

A. The DEIS does not answer questions posed by SMCRG regarding school impact contained in SMCRG's letter to the Project's proponent dated October 14, 2013. Specifically, see pages 8 and 9 of the October 14, 2013 letter.

B. The DEIS does not address the applicability and impact of the 1998 Kihei Makena Community Plan ("KMCP") insofar as that ordinance speaks to infrastructure and schools.

(1) "'Policy recommendations contained herein express the long-term visions for the Kihei-Makena community. They will be used to formulate and prioritize programs and strategies and will affect the sequence and patterns of growth in the region.'" (KMCP, p. 15.)

(2) "Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development." (KMCP, p. 15.)

(3) "Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development." (KMCP, p. 17.)

(4) "In the long term, there is a need for a third elementary school, and a high school, which would serve the Kihei-Makena region." (KMCP, p. 12.)

(5) "Include conditions of approval for new residential developments requiring that adequate school facilities shall be in place before a certificate of occupancy is issued." (KMCP, p. 19.)

(6) See the discussion below about the legal effect of the KMCP.

C. The analysis contains no discussion of safe routes to school (and other locations) for children living in the proposed development (and Honua'ula's 250 units). For orientation, see the photo of Pi'ilani Highway adjacent to and immediately south of the Project attached to SMCRG's letter dated October 14, 2013, included in the DEIS, evidencing a hazardous walkway students would have to use to gain access to the adjacent planned Kihei High School, unless they traversed the intervening gulch overland akin to what children might do in a third world country. Kihei Elementary and Lokelani Middle School are located even further south, with

no safe way for children to walk or bicycle to school, one of the consequences of automobile-centric sprawl.

(1) "Pedestrian safety continues to be a top priority for the Hawaii Department of Transportation. . . . The [Statewide Pedestrian Master] Plan . . . envisions a multi-modal transportation system that provides a safe and well-connected pedestrian network that encourages walking among all ages and abilities." (Introductory comments by Glenn Okimoto, Director, Hawaii Department of Transportation, contained in the Draft Statewide Pedestrian Master Plan, dated August 2011.)

(2) HB 2626, enacted in 2012 by the Hawaii State Legislature, creates a state-wide public policy in favor of safe routes to school for our keiki. How will the residential units in the Project, and in the neighboring Honua'ula project, satisfy the intent of this initiative?

(3) "Many of us remember a time when walking and bicycling to school was a part of everyday life. In 1969, about half of all students walked or bicycled to school. Today, however, the story is very different. Fewer than 15 percent of all school trips are made by walking or bicycling, one-quarter are made on a school bus, and over half of all children arrive at school in private automobiles. This decline in walking and bicycling has had an adverse effect on traffic congestion and air quality around schools, as well as pedestrian and bicycle safety. In addition, a growing body of evidence has shown that children who lead sedentary lifestyles are at risk for a variety of health problems such as obesity, diabetes, and cardiovascular disease. Safety issues are a big concern for parents, who consistently cite traffic danger as a reason why their children are unable to bicycle or walk to school." (U.S. Department of Transportation, see <http://safety.fhwa.dot.gov/saferoutes/>.)

(4) The American Academy of Pediatrics supports safe routes to school and increased walking and biking as a means of keeping our children healthy. The AAP notes, however, that walking and biking are reduced when children do not have a safe way to use these modalities to get to school safely, as is the case with the Project.

"Motor vehicle injuries are the leading cause of death and acquired disability in childhood and adolescence. In addition, concerns with safety cause caregivers and students to choose methods other than walking or biking to school, reducing the amount of physical activity they have throughout the day." (See AAP website.)

(5) In 2009, the U.S. Centers for Disease Control recommend 24 strategies to prevent obesity in the United States, including "17. Enhance infrastructure supporting bicycling," "18. Enhance infrastructure supporting walking," and "19. Support locating schools within easy walking distance of residential areas." Given this, how will locating residential units *mauka* of the Pi'ilani Highway affect the long term health of the children living within the development when the only existing

elementary and middle schools serving the region are *makai* of the highway and miles away?

(6) The World Health Organization likewise supports safe routes to school:

“Encouraging children to walk to school without providing pavements or safe places to cross the road, or reducing the speed of traffic, could in fact lead to increased injuries.” (See WHO website.)

(7) Hawaii’s people in general and Maui’s adults in particular are increasingly obese and diabetic, partly due to the fact that our communities are poorly designed and built. (See CDC County Level Estimates of Obesity and Diabetes depicting increasing levels of both in Hawaii and Maui County from 2004 to 2009.) How will the isolated Pi’ilani Promenade and Honua’ula housing projects impact public health given the lack of connectivity to the rest of the community, except by means of a high speed highway? What public health burden will this this isolated development impose on current and future generations?

D. The DEIS contains no analysis of the sustainability of locating housing in a place that discourages (and makes it unsafe for) children to walk and bike to school. The Hawaii 2050 Sustainability Plan has bearing here. Where is the discussion? How do you defend a project that will require residents to use an automobile to access basic needs and schooling? What are the social and economic costs?

E. The DEIS makes no mention of the fact that the LUC recently conditioned land reclassification for the Kihei High School on construction of an overpass or an underpass to enable children living *makai* of the Pi’ilani Highway to get to the campus safely, without having to traverse the roadway itself. Given this, what steps need to be taken to enable children living *mauka* of the Highway to walk or bike to school when the only pedestrian/bike access route to the high school is a thin strip of asphalt at the edge of the roadway, pinched inward at the bridge just south of the Project, that fails to meet safe bike lane standards and is, on its face, dangerous, posing a significant and foreseeable risk of serious injury and death to children, with consequent state and county liability for personal injury or wrongful death with the added possibility of punitive damages being awarded upon a finding of “reckless disregard” for the health and safety of others?

A key requirement of the KMCP (and good planning in general) is that development must proceed in concert with adequate infrastructure:

**“Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development.”**  
(KMCP, p. 15; emphasis added.)

There are no roads, walkways and bike lanes currently in place or that will support safe routes to school (state policy and good sense) from the Project to (a)

the Kihei High School, (b) either of the elementary schools and/or (c) to the middle school serving south Maui. What mitigations are needed to address this health and safety issue? Where is the discussion in the DEIS? There is none.

## II. COMPLIANCE WITH THE KIHEI-MAKENA COMMUNITY PLAN.

The DEIS dodges a key question that must be answered by the Land Use Commission (LUC): conformance with, and enforceability of, the KMCP.

The DEIS relegates the question to the status of an unresolved issue, erroneously asserting that the only parties involved in the matter are the Applicant and the County of Maui Department of Planning. In fact, the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the ultimate EIS upon amendment of the KMCP.

Additionally, the people have an independent interest in conformance and enforceability of the Project with the community plan because south Maui is, after all, a community of residents, businesses and visitors with hopes and aspirations embodied in the KMCP, a plan that was carefully and diligently developed, debated and enacted into law according to explicit procedures set forth in the Maui County Code.

Here, the developers, acting in concert with the county, have steadfastly refused to seek amendment of the KMCP, preferring instead to pursue economic gain without following the law, thereby denying citizens the right to be heard (a component of the amendment process) and the right to develop the community as planned, and not according to the singular economic interests of an out-of-state developer and owner with little or no stake in the live-ability and long-term quality of life here.

### A. The Project violates the KMCP.

It is indisputable that the Project violates the clear language of the KMCP.

(1) The required land use map attached to the KMCP explicitly designates the subject parcel of land "LI," defining LI narrowly as "Light Industrial (LI) This is for warehousing, light assembly, service and craft-type industrial operations." (See Land Use Map and definition of LI at KMCP page 55; note that land use categorization is specifically required of Maui island land according to Maui County Code section 2.80B.070, E., 7 and 8.)

(2) The KMCP specifically speaks to the parcel as follows: "Provide for limited expansion of light industrial services in the area south of Ohukai and *mauka* of Pi'ilani Highway . . . . These areas should limit retail business or commercial

activities to the extent that they are accessory or provide services to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.” (KMCP, p. 18.)

(3) “Develop commercial services at the following locations to meet community needs: 1) North Kihei, between the existing South Kihei Road, Pi’ilani Highway and Uwapo Road. 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road “C” intersection. 3) In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park. 4) Along South Kihei Road opposite the Kama’ole beach parks.” (KMCP, p. 18; note that all these areas are *makai* of Pi’ilani Highway while the Project is *mauka* of the highway.)

(4) “A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi’ilani Highway. (KMCP, p. 16.)

(5) “Intended Effects of the Kihei-Makena Community Plan. Policy recommendations contained herein express the long-term visions for the Kihei-Makena community. They will be used to formulate and prioritize programs and strategies and will affect the sequence and patterns of growth in the region.” (KMCP, p. 15.)

#### B. The KMCP has the force and effect of law.

(1) The Hawaii Supreme Court and a Hawaii Appellate Court have both held, in cases to which the County of Maui was a party, that the KMCP, both the 1998 plan and its predecessor, have the force and effect of law. (See Gatri v. Blaine, 88 Hawaii 108 (1998) and Leone v. County of Maui, 128 Hawaii 183 (2012). Because the County of Maui was a party in each case, it is barred from asserting that the KMCP does not have the force and effect of law.

(2) Aside from the above, which is dispositive, the legal scheme by which community plans are adopted independently supports the binding legal effect of all community plans, a factor cited in both Gatri and Leone.

(a) The Maui County Charter speaks to the process for creation, adoption and amendment of community plans. (Section 8-8.5 and 8-8.6.)

(b) The Maui County Code also contains explicit directions for creation, adoption and amendment of community plans. (M.C.C section 2.80B.070) It speaks to “enforcement of the community plans” at subsection H, language inconsistent with plans merely being optional at the discretion of the mayor or planning director. Finally, the Code provides a process for amendment of community plans, an unnecessary activity if community plans were merely suggestive.



(c) Other Maui County resources likewise support the enforceability of community plans. For instance, the County's "Capital Budget Guidelines and Policies" speaks to the need to develop CIP budgets in concert with the "General Plan, Island Plan and Community Plans." "The Community Plans will reflect the unique characteristics of each Community Plan area and enable residents and stakeholders within those areas to address location specific challenges." (Guideline, p. 1-8.)

(d) Maui County Code section 2.80B.030 states that "All agencies shall comply with the general plan," noting that community plans are part of the general plan.

(e) The KMCP is county ordinance No. 2641 and is, *ipso facto*, law.

Finally, because none of the above is referenced or discussed in the DEIS, even when the matter was explicitly raised by SMCRG in its October 14, 2013, letter to the Applicant in response to its EISPN, and because a DEIS must include a robust discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area," the DEIS is legally deficient on its face, and fails to meet the requirements of Section 11-200-17 of Hawaii's environmental laws.

### III. COUNTYWIDE POLICY PLAN

A key driver of Maui's Countywide Policy Plan is the avoidance sprawl and the promotion of "smart growth." Urban sprawl is variously defined. The following definition is cited in Community Planning by Eric Kelly, 2<sup>nd</sup> ed. 2010, at page 16, culled from research at the University of Wisconsin:

"We consider sprawl to be any environment characterized by  
(1) a population widely dispersed in low density residential development;  
(2) rigid separation of homes, shops and work places;  
(3) a lack of distinct, thriving activity centers, such as strong downtowns or suburban town centers; and  
(4) a network of roads marked by large block size and poor access from one place to another."

Here we have a Project located away from the existing community, built almost entirely *mauka* of Pi'ilani Highway; disconnected except by one proposed access point that will be a major highway intersection on a high speed highway; that is automobile-centric and not walk-able, even to the proposed high school next door or to the neighboring light industrial development; and that destroys the community plan that is designed to create infill and develop commercial/downtown centers. The Project meets the definition of classic sprawl. To abide by the requirements of section 11-200-17, the DEIS must recognize this reality and discuss



the impact it will have on south Maui's quality of life, on degraded real estate values, diminished real property tax revenue and public health and welfare.

In addition, because the Project initially proceeded in violation of a state Land Use Commission order and is now proposed to proceed in violation of the KMCP and zoning, the negative impact this Project has had and will continue to have on the trust of citizens in government must be assessed.

#### IV. SEGMENTATION

The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Pi'ilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The proposed Honua'ula component of the Project was wrongfully omitted from the environmental assessment done of the related Wailea 670 project located further south in Wailea. The request to bifurcate the Pi'ilani Promenade Project from the Honua'ula component of the 88 acre parcel may be a thinly veiled attempt to separate the wrongs of the Applicant from the errors and omissions of Honua'ula. (Note: all these projects are represented and coordinated by the identical owners' representative.)

#### IV. ECONOMIC IMPACT ANALYSIS

Assessment of the economic impact of the Project is inadequate. Essentially, the assessment states that construction jobs will be created and after the construction phase is completed, retail jobs will be created. Unanswered are questions posed by SMCRCG in its October 14, 2014, letter to the Applicant in response to the EISPN. (See questions 1 – 14 at pages 11 – 12.) Without answers to these key questions, the economic analysis is incomplete, particularly since the Project will, if allowed, destroy a key component of the KMCP, which is targeted at reining in sprawl by restricting retail and commercial development to four distinct commercial zones *makai* of the Pi'ilani Highway. If the KMCP cannot be realized due to the rogue nature of the Project, what will the consequences be? Are the State and community planning processes simply irrelevant and dead, with developers and county mayors getting to decide who gets to do what, where, and when regardless of the will of the people, expressed in community plans? Will this become a function of who donates the most to political campaigns, or who knows whom in county government?

Additionally, since the DEIS does not disclose the configuration, location and size of proposed retail space, it is impossible to calculate the kind of retail enterprises that will populate the shopping centers. If retail pads are to be occupied by "Big Box" stores that currently do not exist in south Maui, calculation of economic impact will take on a distinctly different analysis in terms of impact on existing retailers in the community, recirculation of income, etc. None of this is provided.

Finally, there is no recognition that Maui County has the highest retail center vacancy rate in the state of Hawaii: 9.2% according to credible data published in CBRE's Q2 2014 "Hawaii Retail Market View." What impact will the Project have on a retail environment that already exhibits a high level of vacant retail space, particularly when coupled with a well-documented trend toward increased on-line shopping?

The analysis also fails to recognize and assess the impact other large commercial projects underway elsewhere on Maui will have on the Project and on the south Maui community, such as the large Target store now under construction in the A&B business park, and the A&B business park itself, both of which are located at the terminus of the Mokulele Highway nearest Kihei in Kahului. Instead, the analysis is presented in a vacuum of information and data.

## PART II. SPECIFIC COMMENTS AND OBJECTIONS

SMCRG submits the following specific comments and objections to the text:

### HAWAII STATE PLAN

#### 1. Objective and Policies for Population (p. 86)

Items (1) – (4) and (7) should read "N/S" since the Project is sprawl, composed largely of retail uses that will produce low paying, dead-end jobs, and violates state and county planning policies, procedures and governing documents.

#### 2. Objectives and Policies for the Economy – In General (p. 87)

Items (2), (3), (8)-(10), (14), (15), and (17) should read "N/S" since the Project is sprawl, composed largely of retail uses that will produce low paying, dead-end jobs, and violates state and county policies, procedures and governing documents.

#### 3. Objectives and Policies for the Economy-Potential Growth Activities (p. 89)

Items (1), (5), (6), (9) and (11) should read "N/S" because the Project will not promote new, technological or growth industries.

#### 4. Objectives and Policies for the Physical Environment – Land Based, Shoreline and Marine Resources (p. 91)

Items (1) – (9) should read "N/A" since the issues are not applicable to the Project.

5. Objectives and Policies for the Physical Environment – Scenic, Natural Beauty, and Historic Resources (p. 92)

Items (1) – (5) should read “N/A” since the Project will do none of these things. If anything, the Project will document historic cultural sites, then the sites will be obliterated. The land itself will not be enhanced or beautified by addition of a sprawling shopping center with acres of asphalt parking lots and Big Box stores that characterize an increasingly homogenous, soul-less America.

6. Objectives and Policies for the Physical Environment – Land, Air, and Water Quality (p. 93)

Items (1) and (2) under “Objectives” should read “N/S” since cultural sites will be destroyed and the area replaced by a sprawling shopping center that is not walk-able or bike-able and is automobile-centric so that access to the site will have to be by vehicle trips that will burn fossil fuel in direct opposition to sustainability principles that are designed to protect our natural resources, including air and water.

Items (2) – (5), (6) and (7) should read “N/S” since the Project will require more automobile trips in the region, alter the natural landscape by eliminating the Ka’ono’ulu Gulch, redirect runoff into a neighboring gulch, cover the ground with impervious material and heighten the risk of flooding in an area already plagued by flood risk. The Project is not located within commercial zones already existing in Kihei and is therefore not close to existing services and facilities. Its remote location on the fringe of town and on the *mauka* side of the Pi’ilani Highway will work to degrade community quality of life.

7. Objectives and Policies for Facility Systems – Transportation (p. 96)

Items (1) – (3), (5) and (6), and (9) – (13) should read “N/S” since the Project is not multi-modal and is, in fact, automobile-centric. This will in turn result in further reliance on and expenditure of fossil fuels. It will also impede future, quality growth in the community by denying the region the focused commercial growth plan imbedded in the KMCP. So, not only will automobile traffic increase in the area, the ability to generate greater walking and biking in a community will be dashed, creating a “lose/lose” for Kihei and Hawaii.

8. Objectives and Policies for Facilities and Systems – Energy (p. 97)

Items (4), (8) and (9) should read “N/S” since the Project is automobile-centric and will therefore generate greater greenhouse gas, coupled with frustration of the KMCP’s plan to create walk-able and bike-able downtowns in designated areas in south Maui. Item (10) should read “N/A” since there is no evidence that the Project will provide priority handling of energy permits, a government function.

## 9. Objectives and Policies for Socio-cultural Advancement – Housing (p. 99)

Item (2) under “Objectives” should read “N/S” since the Project is the opposite of “orderly development.” The Project has previously been found in violation of the LUC’s 1995 Order (failure to construct a frontage road; failure to file annual progress reports; and failure to develop the property as represented to the LUC) and it remains in violation of the KMCP and zoning, for which no amendment has been or apparently will be sought by the Applicant. This is *disorderly development*.

Items (5) and (7) should read “N/S” since the Project’s proposed housing is not located in existing neighborhoods and will in fact be located in scrub land completely removed from Kihei’s core and without any existing infrastructure, with the exception of a water line that runs through the Property and delivers all of south Maui’s potable water needs. Items (4) and (8) should read “N/A” because neither apply.

## 10. Objectives and Policies for Socio-cultural advancement – Health (p. 101)

Items (1) and (2) should read “N/S” because the Project will negatively impact the health of the people living on site and the health of the larger community because it is automobile-centric in contravention of all knowledge about the causes of America’s obesity and diabetes epidemics and the effect lack of exercise in daily life plays in the development of these and other debilitating and costly diseases. The Project is not even neutral; it *promotes poor health and disease*.

## 11. Objectives for Socio-cultural Advancement – Leisure (p. 101)

Items (1) – (7) should read “N/S” and items (6) and (8) – (10) should read “N/A.” This is, after all, a shopping center.

## 12. Objectives for Socio-cultural Advancement – Public Safety (p. 103)

Item (3) should read “N/S” since there is no evidence that the Project will in any way promote a sense of community responsibility for the welfare and safety of Hawaii people other than what already exists.

## 13. Objectives and Policies for Socio-cultural Advancement – Government (p. 103)

Items (1) and (2) should read “N/S” since the Project has violated the LUC’s 1995 Order and the Applicant now proposes to proceed with development despite the light industrial use required by the KMCP and county zoning. The Applicant’s and County’s actions to date have eroded the people’s confidence in government and given rise to speculation that cronyism is at work given the County’s refusal to enforce the LUC’s 1995 order and its apparent current posture that no amendment of the KMCP is needed, even in the face of a project that bears no resemblance to the

light industrial use carefully and explicitly articulated in the community plan, not to mention (1) holdings by state courts that the KMCP has the force and effect of law, (2) the County Charter, (3) County ordinances and (4) other County resource document holding up community plans as inviolable (in the absence of amendment). That the Applicant's representative is a former Maui County Public Works director with relationships with County officials has not gone unnoticed either, which perhaps would not be worthy of comment except for the County's remarkable lack of enforcement in this case.

14. Economic Priority Guidelines to Stimulate Economic Growth . . . to Encourage a Diversified Economy (p. 104)

Items (1) - (10) should read "N/S" since the Project is mostly retail, generating mostly retail jobs that are neither diversified nor likely to lead to satisfying careers. To say otherwise is fiction, unsupported by fact.

15. Guidelines to Promote Economic Health and Quality of the Visitor Industry (p. 106)

Item (1) should read "N/S" since the Project is automobile-centric and will necessarily increase traffic in the region. The economic analysis, such as it is, estimates that 97% of the sales generated in the Project's retail stores will come from offsite. As boldly claimed in leasing literature published by the previous developer, Eclipse, the planned shopping centers will draw people from all over Maui at what it bragged would become the busiest intersection in Maui County! How increased local traffic will engender "the Aloha Spirit and minimize inconveniences" claimed by the Applicant is not explained.

Traffic choked, ugly Dairy Road in Kahului is a good example of what sprawl and vehicle load can do to an area. By developing a huge regional shopping center in Kihei, the community's desire to create walk-able/bike-able downtowns will be destroyed. These downtowns, not "Mega Malls" on the highway, are what will engender the Aloha Spirit, minimize inconveniences and create a much needed sense of community in what is already a sprawling Kihei (which is exactly why the KMCP is written as it is).

Items (8) and (9) should read "N/A" since there is no factual basis presented for the claims made and it is illogical that shopping malls will create a safer environment or stimulate advance data techniques any more that they will create world peace.

16. Priority Guidelines for Water Use and Development (p. 107)

Items (3) and (4) should read "N/A" since there are no facts presented that the Project will do either of these things.

17. Priority Guidelines for Energy Use and Development (p.107)

Items (1) – (3) should read “N/A” since there are no facts presented that the Project or its Applicant will do any of these things. Item (4) should read “N/S” because the Project is automobile-centric sprawl that will create more traffic, use more fossil fuel and deny the public a walk-able and bike-able community that would result in energy conservation.

18. Priority Guidelines to Promote the Development of the Information Industry (p.107)

Items (2) – (6) should read “N/A” since the Project is a retail shopping center, not a high technology incubator project. To claim that Big Box and other retail outlets will expand high tech in Hawaii is unsubstantiated, illogical and hyperbolic.

19. Priority Guidelines to Effect Desired Statewide Growth and Distribution (p. 108-9)

Items (1) – (3) should read “N/S” since the Project flies in the face of the existing state Land Use Commission order, the KMCP and zoning. This is not a planned project; it is had been, and continues to be, a rogue project. In 2005 the new owners of the 88-acre parcel changed the planned development from a permitted light industrial park into a proposed huge regional retail shopping center. The Project, if allowed, will swamp south Maui roads, impair existing retailers and retail shopping centers in the area, destroy the KMCP’s design and violate the citizens’ right to be heard (since the developers seek to pursue an entirely different project from the one approved and imbedded in the KMCP without following the amendment process set forth in the Maui County Charter and Code that afford the people a right to be heard).

Item (4) should likewise read “N/S” because when developers skirt the law (1995 LUC Order, KMCP, zoning, and mandated amendment processes), then bemoan the difficulty of developing in Hawaii, they convey the impression that development here is difficult. In fact, when developers do not follow the law problems can arise if the citizenry is sophisticated enough and has the ability to raise legal objections in administrative and judicial venues, as has been done here.

Item (7) should read “N/A” since the Project will not support the development of high technology parks as claimed.

20. Priority Guidelines for Regional Growth Distribution and Land Resource Utilization (p. 109)

Items (1), (3) – (5), (7) and (12) should read “N/S” since this huge retail complex will be located away from areas designated in the KMCP where water and infrastructure already exist. Additionally, there is little known about the Kamaole

aquifer from which the Project intends to draw some of its water. The aquifer is listed as least known by the state Commission on Water Resources Management. At the same time, many developers *mauka* of Pi'ilani Highway are looking to it to supply water without a global accounting for total draw and calculation of the sustainability of multiple draws upon the resource. It is a high-risk "crap shoot" that threatens the long term integrity of the Kamaole aquifer, bearing in mind that the Project is located in what is essentially a desert that is likely to get even drier with climate change. (State policy embraces an expectation of a drier future for the Hawaiian islands; see, e.g., DLNR proclamations and projections.)

Items (9), (10) and (13) should read "N/A" since they do not apply; no facts support application.

#### 21. Priority Guidelines in the Area of Criminal Justice (p. 111)

Items (1) and (3) should read "N/A" since no facts are presented to support the claims. In terms of safety, greater automobile use caused by the Project will lead to more opportunities for automobile mishaps and accidents that will negatively affect public health and safety. To the extent children living within the Project walk or bike to school from the Project by means of Pi'ilani Highway, the probability of accidents leading to severe injury and/or death are increased. Pi'ilani Highway is not safe for pedestrian traffic.

#### 22. State Functional Plan – Employment (p. 119)

Items (a), (d) and (e) should read "N/S" since there are no facts presented that employment training will be provided, or that quality of life will be enhanced by the development of an unpermitted, sprawling, regional retail shopping center that will offer entry level, dead-end retail jobs.

#### 23. State Functional Plan – Energy (p. 119)

Items (a) and (b) should read "N/S" because the Project is a perfect example of unsustainable development requiring increased automobile traffic due to its location, particularly when the community plan calls for concentration of retail and commercial services in four distinct areas *makai* of the Pi'ilani Highway - where the population resides and elementary schools and the middle school are located. With this Project, every trip will involve a car.

Item (d) should read "N/A" since there are no articulated plans by the shopping center developers to launch into the business of integrated energy development and management.

#### 24. State Functional Plans – Health (p. 120)

Item 1. Should read “N/S” since the project is not walk-able or bike-able and is a perfect example of 1960s urban sprawl that has made America obese, diabetic and sick. Getting to and from the Project will necessarily entail an automobile trip and not walking and biking. This is exactly what credible planners and health professionals rail against. So to claim that somehow the Project will promote health and disease prevention is absurd in the extreme.

#### 25. State Functional Plan – Historic Preservation (p. 121)

The Ka’ono’ulu area is rich in Hawaiian history, none of which will be evident in the Pi’ilani Promenade shopping center and housing Project. Rather, the petroglyph rock has been removed and some historic sites recorded, all in preparation for cultural eradication on site. There are no facts presented that the shopping center and housing will relate this history to residents and visitors. Accordingly, claims of historic preservation are without foundation and items A – G should read “N/S.”

#### 26. State Functional Plan – Housing (p. 122)

None of this applies because the targets are pegged to the year 2000.

#### 27. State Functional Plans – Tourism (p. 124)

Item 2a should read “N/S” since the Project will present a cookie-cutter, homogenous retail shopping center to tourists. Big Box stores presumably intended to occupy space in the Project will be the same as those on the Mainland, undercutting Hawaii’s brand as a special place/island paradise. Furthermore, to claim that the Project will be sensitive to neighboring communities is an unsupportable fiction since it contravenes the KMCP, zoning and law.

#### 28. State Functional Plans – Transportation (p. 125)

Items 1a, 1f, and 1h should read “N/S” since the Project will increase area traffic, discourage walking and biking, put pedestrians at risk of injury and death on Pi’ilani Highway and make it virtually impossible for people with disabilities to come and go except by car.

#### 29. State Functional Plans – Water Resources Development (p. 126)

Other than building a water tank on a portion of the property, none of the claims made in this section are supportable by the facts presented. The Project is located in a desert and the aquifer below it is uncertain with many other projects looking to it as a source of water. Climate Change is expected to lead to less precipitation in Hawaii, more evaporation, and greater storm events likely to lead to increased risk of flooding. Elimination of a natural gulch on the property, hardening the surface with asphalt and redirecting storm water to a neighboring gulch that has led to



lowland flooding in the past is hardly support for the claims made in this section. Consequently, items a – i should be answered “N/S.”

## MAUI COUNTYWIDE POLICY PLAN

### 1. Improve the Opportunity to Experience the Natural Beauty and Preserve Biodiversity (p. 127)

The best that can be said for the Project is that negative impacts to the natural beauty of the island will be mitigated. To claim that the Big Box shopping center will somehow “improve the opportunity to experience the natural beauty and native biodiversity of the islands” is ridiculous. Item (1) should read “N/S” since the Project will interfere with the view plain from the ocean to Haleakala. Obstruction of the view can be mitigated by trees and landscaping - to hide the Project - but views of Haleakala will not be made more lovely. Again, Dairy Road in Kahului is a good place to see how sprawl affects the natural beauty of Maui.

### 2. Improve the Quality of Environmentally Sensitive Land (p. 127)

Items a – i should read “N/S” since the Project will eliminate a historic gulch, redirect runoff into a neighboring gulch, cover the natural landscape with hardscape and asphalt and increase the risk of flooding in the area.

### 3. Improve the Stewardship of the Natural Environment (p. 128)

No facts support any of the claims made. Items a – d in section one and item b in section 2 should read “N/S” since the Project will impair the natural environment by creating an automobile-centric sprawling development that will result in greater use of fossil fuel, contravene explicit state and county sustainability goals and lead to greater global warming. Items e and g should read “N/A” since there are no facts presented that the Applicant will take it upon itself to become an evangelist for the “possible effects of global warming,” a particularly difficult task when one’s pulpit is located atop a Big Box shopping center that violates the community plan that would, if served, achieve fossil fuel use reduction through creation of walk-able, bike-able, and live-able communities in south Maui.

### 4. Educate Residents and Visitors about Interconnectedness of the Natural Environment and People (p. 130)

Item c should read “N/S” since the Project will increase the use of fossil fuel and impair the environment.

### 5. Perpetuate the Hawaiian Culture, Lifestyles and Art (p. 131)

All items in these two categories should read “N/S” since the plan is to remove, document and destroy all evidence of Hawaiian existence on the property. Nothing

could be further from the *ahupua'a* concept. No evidence of an earlier Hawaiian culture will remain, unless plastic grass skirts and other trinkets likely made in China are sold on site. Perhaps modern Hawaiian music will resonate throughout the shopping center to create a false sense of place.

6. Improve Education – Develop Safe Walking and Bicycling Programs for School Children (p. 136)

As pointed out before, the Project lacks connective to the greater community and to schools, even the adjacent proposed Kihei High School. Pi'ilani Highway is a high-speed roadway with inadequate and dangerous shoulders that are unsuitable for foot and bike traffic. The location of housing on site makes it impossible for school children to get to school safely except via motor vehicle. No walking or biking program can be successful in this context. The answer to item a. is therefore "N/S."

7. Strengthen the Local Economy – Promote a Diversified Economic Base (p. 138)

The Project is essentially a Big Box shopping center with some housing. Retail sales jobs already exist on island. The Project will not lead to any diversification of the job market and will instead produce more low paying retail sales and stocking jobs. Clearly all jobs can be rewarding in one way or another, but to cast the Project as a champion of diversification, economic vitality, and supportive of entrepreneurship is absurd. This is particularly the case when Big Box stores and other national retailers will export revenue derived from the site to home offices located on the mainland or elsewhere. This economic model actually works to impoverish communities and is a factor in the diminishment of America's middle class.

None of the state's economic goals will be achieved by the addition of this sprawling, mainland owned and developed, 1960s-style shopping complex. All items in this category should read "N/S."

8. Improve Parks and Public Facilities (p. 140)

All items in this section should be answered "N/S" because the Project degrades the community's opportunity to create a walk-able and bike-able means of mobility given its isolation and singular connection to the larger community by way of a high speed highway. This does not promote physical fitness; in fact it works against it just as studies have shown. And, because the project is not a part of the larger Kihei community and can only be accessed safely by automobile, there will be diminished opportunity for social interaction and overall community health. Consequently, all items in this section should read "N/S."

9. Diversify Transportation Options – Environmentally Sustainable Transportation Systems; Reduce Reliance on the Automobile (p. 142)

In this day and age, an environmentally sustainable transportation system is one that is multi-modal. That is why the public policy of this state and the county is to develop "Complete Streets" and communities that are walk-able and bike-able. The Project is at odds with this strategic goal given its location, automobile-centric character and the destructive effect it is likely to have on the community plan that is designed to aggregate commercial activities in four locations *makai* of the highway in and near existing neighborhoods. Consequently, all items in this section should read "N/S."

#### 10. Promote Energy Self-Sufficiency (p.144)

Automobile-centric, sprawling shopping centers increase the use of fossil fuels and there make it more difficult for Hawaii to achieve energy self-sufficiency. Consequently, items (3) a, j, k, and m should read "N/S." Items (3) d, f, h and i should read "N/A."

#### 11. Direct Growth Toward Existing Infrastructure (p. 149)

The Project does just the opposite of this goal, in contravention of the KMCP and good planning principles. Items a – d under Policies and a and b under Implementing Actions should read "N/S."

#### 12. Promote Sustainable Land Use and Growth Management (p. 151)

Because the Project violates the LUC's 1995 order, the KMCP and zoning and because Applicant has failed and refused to pursue amendment of the KMCP and zoning appropriate for the Project, it is a poster child for unmanaged, unsustainable and ineffective land use practices. For this reason, the following items should read "N/S": section (1) b, e, h and l; section (2) e, g, h, and l; (4) a, b, and d – g.

#### 13. Strive for Good Governance (p. 153)

The Project fails the good governance test given the Applicant's violation of the 1995 LUC order, noncompliance with the KMCP and zoning, and Maui County Charter and Code provisions for amendment of community plans, not to mention judicial precedent binding the County with respect to enforceability of the KMCP. The pathway taken by the developers (and the County) here has been outside the bounds of the state planning scheme and good government. The developers' behavior, and that of the County of Maui, has undermined confidence in the integrity and fairness of government, a prime example of cronyism at the expense of the people. Items (1) – (5) should read "N/S."

### MAUI ISLAND PLAN

#### 1. Economic Development - Achieve a More Diversified Economy (p. 155)

Retail jobs arising from the Project will not produce a more diversified economy. All items in this section should read “N/S.”

## 2. Economic development – Support Principles of Sustainability (p. 156)

Retail jobs arising from this automobile-centric, disconnected development are the antithesis of sustainability. All items in this section should read “N/S.”

## 3. Economic Development – Emerging Sectors (p. 157)

Nothing in the Project will support high technology, green practices or new industries. Yes, the buildings constituting the physical structure of this automobile-centric, sprawling, unpermitted project may have some alternative energy components, but that is a far cry from the objectives outlined here that are overcome by the negatives posed to the environment and economy by the Project itself. Items 4.4.1.b and 4.4.1c should read “N/S.”

## 4. Urban Land Use Issues – Human Scale and Infill (p. 159)

The Objective seeking a “compact, efficient, human-scale urban development pattern” will not be served by this huge, sprawling, automobile-centric, unpermitted Big Box shopping center that will dwarf human scale, deny infill and undermine the community’s desire to concentrate commercial activity in four distinct commercial zones identified in the KMCP. This item should read “N/S.”

The Policies seeking infill will likely be defeated by the Project. Items 7.3.1a and 7.3.1c, 7.3.1g, and 7.3.1i should read “N/S.” Item 7.3.1g should read “N/A” since the Project has nothing to do with agriculture.

## 5. Urban Land Use Issues – Self-Sufficient and Sustainable Communities (p. 160)

See the discussion and definition of sprawl in the opening remarks above. The Project is classic urban sprawl. Items 7.3.2 - 7.3.2f should read “N/S.”

## 6. Urban Land Use Issues – Sense of Place (p. 162)

Big Box shopping centers create the opposite of a “sense of place.” They are cookie-cutter retail establishments composed of uninspiring, boxy “architecture,” and lacking in any connection to Hawaii, or anywhere else for that matter. Item 7.3.3 entitled “Strengthen the island’s sense of place” should read “N/S.”

## 7. Urban Land Use Issues – Transparency (p. 163)

The way the Project has been managed to date is the *opposite* of transparency. First, in 2005 new owners began to take development of the 88-acre parcel away from light industrial use and toward what the community accurately dubbed a

“Mega Mall” complex (when it finally found out years later through a front page article in the Maui News) beyond the scale of anything like it in south Maui. The developers hid this fact from the LUC, the County and the public by failing to file four mandatory, successive annual reports. When the next two reports were filed, the owners asserted that the Project would comply with the 1995 order when nothing could be further from the truth, as evidenced by the finding by the LUC that the developers failed to develop the 88-acre parcel as represented, among other violations. Simultaneously, the County of Maui failed and refused to enforce the LUC’s 1995 Order as required by law. To call this transparency is akin to calling day night.

Items 7.3.5, and subsections a - d should read “N/S.”

## KIHEI-MAKENA COMMUNITY PLAN

### 1. Land Use - Objectives and Policies (p. 165)

Items b, f - i and k should read “N/S” since the Project defies these explicit provisions of the KMCP. Items d, e, l and p should read “N/A” since they have no bearing.

### 2. Land Use - Implementing Actions (p. 167)

Item b is explicitly violated by this project and should read “N/S” unless the LUC conditions approval of the DEIS upon construction a new elementary school in north Kihei as indicated on page 12 of the KMCP: “[T]here is a need for a third elementary school, and a high school, which would serve the Kihei-Makena region;” and at page 17: “Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development.” The high school is soon to be a reality, but a new elementary school isn’t on the horizon, even as multiple housing projects are approved or under development in north Kihei (A&B 650 units; Honua’ula 250; Pi’ilani Promenade 200+, etc.).

Other items in this section are claimed to be supported by the Project when there is, in fact, no nexus, such as items e, f, h, and c. These should read “N/A.”

### 3. Cultural Resources (p. 172)

All items listed under “Goal” and “Objectives and Policies” should read “N/S” since the plan of action is to record and eradicate all evidence of the pre-existence of the Hawaiian culture on site.

Item a under “implementing Actions” should read “N/A” since the Applicant presents no facts to support a claim that it will prepare a Kihei Makena specific cultural resources management plan.

#### 4. Economic Activity (p. 176)

By ignoring the KMCP and proposing to develop a huge regional shopping center complex in scrub land on the *makai* side of the Pi'ilani Highway, the Project defies planned growth and the state planning scheme. Accordingly, items a and f should read "N/S." items b and d should read "N/A" since the Project will not undertake or touch either of these goals.

#### 5. Physical and Social Infrastructure (p. 180)

Items a - d and g should read "N/S" since the Project contravenes the KMCP. Furthermore, the Project is automobile-centric and not suitably accessed by walking or bicycle, and it would not be safe for children living in the shopping center to walk or bike to any of the schools in the region. Items b, f and i should read "N/A" since none of these things, for which the Applicant claims credit, bear any relationship to the Project.

#### 6. Energy and Public Utilities (p. 186)

Item b should read "N/S" since the Project is at odds with the KMCP that calls for co-location of commercial and retail services in close proximity to residential centers.

#### 7. Education (p. 193)

See the discussion of educational facility needs and concerns above. The DEIS gives no consideration to the need for a third elementary school in north Kihei. The existing schools have some incremental capacity, but they are located far away from and *makai* of the 88-acre site.

School needs cannot be assessed in a vacuum. While the DEIS contains an estimate of expected student growth from the Project itself, it does not take into account the cumulative effect of all the housing projects moving forward in north Kihei. For these reasons, item c should read "N/S."

#### 8. Government - Planning Standards (p. 193)

This section is worth quoting because it gets to the core of one of the key issues here: **"All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan."** Incredibly, the Applicant asserts that the Project supports this standard. It is the opposite. This item a should read "N/S."

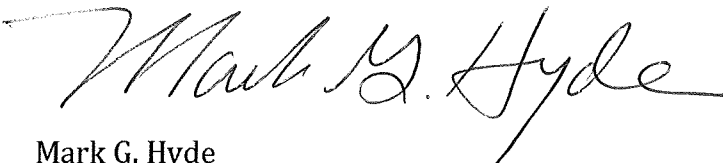
### COUNTY ZONING

The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain **mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials.**" Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.

The word "mostly" is commonly defined as "to the greatest extent." Here the Project is mostly retail and commercial and only insignificantly light industrial, if light industrial at all. In a presentation to the Kihei Community Association approximately 1.5 years ago, representatives of the developer indicated the possibility that no light industrial uses may be developed on site, depending on demand, raising the specter that no light industrial uses will be developed on the parcel owned by Pi'ilani Promenade North, while there are *no* contemplated light industrial uses planned for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use (and therefore should be zoned for business and commercial use).

The proposed development is inconsistent with M-1 zoning requirements, nomenclature and logic. The concept defeats the purpose of zoning, which is to regulate, direct and control growth. Applicant would have the LUC believe that M-1 zoning is a free pass with little, or even no nexus to light industrial use of land. We have seen the results of this kind of free-for-all development on Maui: Dairy Road in Kahului, is a good example of a thoroughfare that contains many light industrial zoned parcels with little or no light industrial use, filled with various retail uses, and now the subject of a costly bypass road from the airport to Mokulele Highway since Dairy Road is both an eyesore and is commonly snarled with traffic.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark G. Hyde". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark G. Hyde  
President,  
South Maui Citizens for Responsible Growth



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

Mr. Mark Hyde, President  
South Maui Citizens for Responsible Growth  
4320 E. Waiola Loop  
Kihei, HI 96753

Dear Mr. Hyde,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 2, 2014. In responding to your comments on the DEIS, we would like to note the following.

**SMCRG COMMENT:**

*A. The DEIS does not answer questions posed by SMCRG regarding school impact contained in SMCRG's letter to the Project's proponent dated October 14, 2013. Specifically, see pages 8 and 9 of the October 14, 2013 letter.*

**Response:**

In response to comments regarding school impacts the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

The Economic and Fiscal Impact Assessment estimates that the proposed project will generate 60-70 students that will attend public schools (See: Appendix K, "Economic and Fiscal Impact Assessment").

The Economic and Fiscal Impact Assessment projected that the Project would generate 60-70 students. This projection is based on population/age modeling, and assumes that the children in an affordable apartment project would attend public school. The Economic and Fiscal Impact Assessment based the student generation rate on census data that between 10% and 11.5% of the population is of school age, which equals about 60 to 70 students based on the projected resident population of 607.

The DOE forecasts public school children for Kihei (which is considered part of Central Maui) at the rate of .22 public school children per multifamily unit and at .49 per single family home.

So, applying the DOE formula the total number of anticipated public school attendees from the 226-proposed subject apartment units would be 49.72, rounded to 50 students (.22 X 226).



In 2007, the Hawaii Legislature enacted Act 245 as Section 302A, HRS, "School Impact Fees". Based upon this legislation, the DOE has enacted impact fees for residential developments that occur within identified school impact districts. The Project is within the boundaries of the Central Maui Impact District and is within the Makawao Cost Area of that district. Projects within the district and cost area pay a construction fee and either a fee-in-lieu of land or a land donation, at the DOE's discretion. The Economic Impact Assessment estimates the projects impact fee is \$535,846.00 \$553,926.00 (See: Appendix K, "Economic and Fiscal Impact Assessment"). At the appropriate time, the applicant will contact the DOE to enter into an impact fee agreement.

The Applicant had discussions with the DOE on the Project and is still designing the rental apartment portion of the Project and will enter into a written agreement with the DOE after the EIS and LUC review process has concluded.

**SMCRG COMMENT:**

*B. The DEIS does not address the applicability and impact of the 1998 Kihei/Makena Community Plan ("KMCP") insofar as that ordinance speaks to infrastructure and schools.*

*(1) "Policy recommendations contained herein express the long-term visions for the Kihei-Makena community. They will be used to formulate and prioritize programs and strategies and will affect the sequence and patterns of growth in the region." (KMCP, p. 15.)*

**Response:**

The DEIS did address, and the FEIS does address the KMCP section pertaining to development with regard to infrastructure and schools, notably Section IV.F. Relationship to Governmental, Plans, Policies, and Controls, Kihei Makena Community Plan. That section has been updated as indicated below:

Implementing Actions:	S	N/S	N/A
b. Include conditions of approval for new residential developments requiring that adequate school facilities shall be in place before a certificate of occupancy is issued.	✓		✓

At this time it is the Project's understanding that adequate capacity exists for the anticipated school aged children of the Residential component of the Project, therefore the above referenced section is not applicable to the Project. Additionally, the FEIS Section III.C.4, Affected environment, Potential Impacts and Mitigation Measures, Public Services, Schools has been amended as identified below:

#### **4. Schools**

**Existing Conditions.** Maui schools are organized into complexes and complex-areas. A complex consists of a high school and all of the intermediate/middle and elementary schools that flow into it. Groups of two to four complexes form a "complex area" that is under the supervision of a complex area superintendent.

The Pi'ilani Promenade site is located within the State Department of Education's (DOE) Maui Complex, within the Baldwin-Kekaulike-Maui Complex-Area. Currently there is capacity at all public schools for additional students. Current and projected enrollment and capacities for area schools are given in Table No. 24, "DOE School Enrollment & Capacity" below. \*Note: the "Capacity" column numbers are based on the results of a classroom space survey conducted by DOE in the 2012-13 school year.

**Table No. 24 DOE School Enrollment & Capacity**

Schools	2013-2014 Enrollment	Capacity	2014-2015 Projected Enrollment	2014-2015 Enrollment	2015-2016 Enrollment	2016-2017 Projected Enrollment	2016 Enrollment	2017-2018 Projected Enrollment
Kihei Elementary	947	890	851	864	801	883	786	791
Kamalii Elementary	585	928	584	530	481	542	452	447
Lokelani Intermediate	550	836	525	553	594	593	584	574
Maui High	1908	2035	1967	1931	1906	1861	1941	1977

Source: DOE 2016

Currently, the State DOE is planning to build a new high school for grades 9-12 in Kihei on approximately 77 acres mauka of Pi'ilani Highway between Kulanihakoi and Waipuiani Gulches, south of the Pi'ilani Promenade. ~~Phase I is slated to open in 2017 with a design capacity of 930 students, staff and visitors and Phase II is planned to open in 2025 with a design capacity of 1,941.~~ Based upon consultation with the DOE in April 2016, the high school in Kihei does not have a schedule for opening because the school is still in a pre-design phase. Grading work has started at the site and construction will begin when further funding is available.

Additionally, Kihei Charter School, provides K through 12 education for 546 students and the Kihei Charter School is pursuing building permits to construct a new high school in the MRTP in 2017.

**Potential Impacts and Mitigation Measures.** The Economic and Fiscal Impact Assessment estimates that the proposed project will generate 60-70 students that will attend public schools (See: Appendix K, "Economic and Fiscal Impact Assessment").

The Economic and Fiscal Impact Assessment projected that the Project would generate 60-70 students. This projection is based on population/age modeling, and assumes that the children in an affordable apartment project would attend public school. The Economic

and Fiscal Impact Assessment based the student generation rate on census data that between 10% and 11.5% of the population is of school age, which equals about 60 to 70 students based on the projected resident population of 607.

The DOE forecasts public school children for Kihei (which is considered part of Central Maui) at the rate of .22 public school children per multifamily unit and at .49 per single family home.

So, applying the DOE formula the total number of anticipated public school attendees from the 226-proposed subject apartment units would be 49.72, rounded to 50 students (.22 X 226).

The Project has not been designed to accommodate a public school site. In 2007, the Hawaii Legislature enacted Act 245 as Section 302A, HRS, "School Impact Fees". Based upon this legislation, the DOE has enacted impact fees for residential developments that occur within identified school impact districts. The Project is within the boundaries of the Central Maui Impact District and is within the Makawao Cost Area of that district. Projects within the district and cost area pay a construction fee and either a fee-in-lieu of land or a land donation, at the DOE's discretion. The Economic Impact Assessment estimates the projects impact fee is \$535,846.00 \$553,926.00 (See: Appendix K, "Economic and Fiscal Impact Assessment"). At the appropriate time, the Applicant will contact the DOE to enter into an impact fee agreement that will help finance the construction of a school facilities in Kihei.

The Applicant had discussions with the DOE on the Project and is still designing the rental apartment portion of the Project and will enter into a written agreement with the DOE after the EIS and LUC review process has concluded.

To clarify, there was an estimation of the impact fee error in the DEIS and Economic and Fiscal Impact Analysis. The Project site contains land located within the Makawao Cost Area, and the appropriate school impact fee amount will be settled in the written agreement.

**SMCRG COMMENT:**

(2) "Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development." (KMCP, p. 15.)

**Response:**

In response to comments regarding facilities and infrastructure, we note that implementation of infrastructure are mentioned in several sections of the FEIS, including Section III. D. Infrastructure,

and Section IV. F. Kihei-Makena Community Plan. All infrastructure required by the State of Hawaii and County of Maui will be constructed as part of the initial phase of construction and completed prior to any occupancy within the project.

**SMCRG COMMENT:**

(3) "Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development." (KMCP, p.17.)

**Response:**

All infrastructure required by the State of Hawaii and County of Maui will be constructed as part of the initial phase of construction current with any impacts created by the project and completed prior to any occupancy within the project.

**SMCRG COMMENT:**

(4) "In the long term, there is a need for a third elementary school, and a high school, which would serve the Kihei-Makena region." (KMCP, p. 12.)

**Response:**

In response to comments regarding the need for schools in Kihei the FEIS Section III. C. 4. (Schools) has been revised to include the following language:

The Pi'ilani Promenade site is located within the State Department of Education's (DOE) Maui Complex, within the Baldwin-Kekauike-Maui Complex-Area. Currently there is capacity at all public schools for additional students. Current and projected enrollment and capacities for area schools are given in Table No. 24, "DOE School Enrollment & Capacity"

below. \*Note: the "Capacity" column numbers are based on the results of a classroom space survey conducted by DOE in the 2012-13 school year.

**Table No. 24 DOE School Enrollment & Capacity**

Schools	2013-2014 Enrollment	Capacity	2014-2015 Projected Enrollment	2014-2015 Enrollment	2015-2016 Enrollment	2016-2017 Projected Enrollment	2016 Enrollment	2017-2018 Projected Enrollment
Kihei Elementary	947	890	851	864	801	883	786	791
Kamalii Elementary	585	928	584	530	481	542	452	447

Schools	2013- 2014 Enroll- ment	Capac- ity	2014- 2015 Projecte d Enroll- ment	2014- 2015 Enroll- ment	2015- 2016 Enroll- ment	2016- 2017 Projecte d Enroll- ment	2016 Enroll- ment	2017- 2018 Projecte d Enroll- ment
Lokelani Intermed- iate	550	836	525	<u>553</u>	<u>594</u>	<u>593</u>	<u>584</u>	<u>574</u>
Maui High	1908	2035	1967	<u>1931</u>	<u>1906</u>	<u>1861</u>	<u>1941</u>	<u>1977</u>

Source: DOE 2016

Currently, the State DOE is planning to build a new high school for grades 9-12 in Kihei on approximately 77 acres mauka of Pi'ilani Highway between Kulanihakoi and Waipuilani Gulches, south of the Pi'ilani Promenade. ~~Phase I is slated to open in 2017 with a design capacity of 930 students, staff and visitors and Phase II is planned to open in 2025 with a design capacity of 1,941.~~ Based upon consultation with the DOE in April 2016, the high school in Kihei does not have a schedule for opening because the school is still in a pre-design phase. Grading work has started at the site and construction will begin when further funding is available.

**SMCRG COMMENT:**

(5) "Include conditions of approval for new residential developments requiring that adequate school facilities shall be in place before a certificate of occupancy is issued." (KMCP, p. 19.)

**Response:**

It is the understanding of the Project that adequate capacity exists for the school aged children anticipated from the proposed residential component.

In response to comments regarding the need for schools in Kihei the FEIS Section III. C. 4. (Schools) has been revised to include the following language:

In 2007, the Hawaii Legislature enacted Act 245 as Section 302A, HRS, "School Impact Fees". Based upon this legislation, the DOE has enacted impact fees for residential developments that occur within identified school impact districts. The Project is within the boundaries of the Central Maui Impact District and is within the Makawao Cost Area of that district. Projects within the district and cost area pay a construction fee and either a fee-in-lieu of land or a land donation, at the DOE's discretion. The Economic Impact Assessment estimates the projects impact fee is \$535,846.00 \$553,926.00 (See: Appendix K, "Economic and Fiscal Impact Assessment").

At the appropriate time, the applicant will contact the DOE to enter into an impact fee agreement.

The Applicant had discussions with the DOE on the Project and is still designing the rental apartment portion of the Project and will enter into a written agreement with the DOE after the EIS and LUC review process has concluded.

**SMCRG COMMENT:**

6) See the discussion below about the legal effect of the KMCP.

C. The analysis contains no discussion of safe routes to school (and other locations) for children living in the proposed development (and Honua'ula's 250 units). For orientation, see the photo of Pi'ilani Highway adjacent to and immediately south of the Project attached to SMCRG's letter dated October 14, 2013, included in the DEIS, evidencing a hazardous walkway students would have to use to gain access to the adjacent planned Kihei High School, unless they traversed the intervening gulch overland akin to what children might do in a third world country. Kihei Elementary and Lokelani Middle School are located even further south, with no safe way for children to walk or bicycle to school, one of the consequences of automobile-centric sprawl.

**Response:** In response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

In the context of pedestrian and bicycle routes to school, the owner of approximately 12.7-acres of the *maikai* end of Kulanihakoi gulch has made public his interest in conveying the area to the County of Maui for the purposes of passive recreational open space and native habitat restoration. Because the land is identified as Park and Open Space in the County of Maui's Kihei Makena Community Plan, and is identified as a Secondary Off-road Connection and Gulch/Drainage in the County of Maui's South Maui Region Parks & Open Space Master Plan, the appropriate owner and maintainer of Kulanihakoi gulch is the County of Maui. Kulanihakoi Gulch is a viable opportunity for off-road pedestrian and bicycle access from South Kihei Road to the Kihei High School site.

**SMCRG COMMENT:**

1) "Pedestrian safety continues to be a top priority for the Hawaii Department of Transportation.... The [Statewide Pedestrian Master] Plan ... envisions a multi-modal transportation system that provides a safe and well-connected pedestrian network that encourages walking among all ages and abilities." (Introductory comments by Glenn Okimoto, Director, Hawaii Department of Transportation, contained in the Draft Statewide Pedestrian Master Plan, dated August 2011.)

**Response:** In response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

**SMCRG COMMENT:**

*(2) HB 2626, enacted in 2012 by the Hawaii State Legislature, creates a state wide public policy in favor of safe routes to school for our keiki. How will the residential units in the Project, and in the neighboring Honua'ula project, satisfy the intent of this initiative?*

**Response:** In response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

**SMCRG COMMENT:**

*(3) "Many of us remember a time when walking and bicycling to school was a part of everyday life. In 1969, about half of all students walked or bicycled to school. Today, however, the story is very different. Fewer than 15 percent of all school trips are made by walking or bicycling, one-quarter are made on a school bus, and over*

*half of all children arrive at school in private automobiles. This decline in walking and bicycling has had an adverse effect on traffic congestion and air quality around schools, as well as pedestrian and bicycle safety. In addition, a growing body of evidence has shown that children who lead sedentary lifestyles are at risk for a variety of health problems such as obesity, diabetes, and cardiovascular disease. Safety issues are a big concern for parents, who consistently cite traffic danger as a reason why their children are unable to bicycle or walk to school." (U.S. Department of Transportation, see <http://safety.fhwa.dot.gov/saferoutes.I.>)*

**Response:** The Applicant agrees with this concern and in response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

**SMCRG COMMENT:**

*(4) The American Academy of Pediatrics supports safe routes to school and increased walking and biking as a means of keeping our children health. The AAP notes, however, that walking and biking are reduced when children do not have a safe way to use these modalities to get to school safely, as is the case with the Project. "Motor vehicle injuries are the leading cause of death and acquired disability in childhood and adolescence. In addition, concerns with safety cause caregivers and students to choose methods other than walking or biking to school, reducing the amount of physical activity they have throughout the day." (See AAP website.)*

**Response:** The Applicant agrees with this concern and in response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing



facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

**SMCRG COMMENT:**

*5) In 2009, the U.S. Centers for Disease Control recommend 24 strategies to prevent obesity in the United States, including "17. Enhance infrastructure supporting bicycling," "18. Enhance infrastructure supporting walking," and "19. Support locating schools within easy walking distance of residential areas." Given this, how will locating residential units mauka of the Pi'ilani Highway affect the long term health of the children living within the development when the only existing elementary and middle schools serving the region are makai of the highway and miles away?*

**Response:** DOE impact fees are triggered by the development of residential units. The Project proposes 226 residential apartment units and will participate in required DOE impact fees. The siting educational facilities in south Maui is determined by the DOE. Transportation to existing elementary and middle schools in south Maui will be similar to existing neighborhoods located *mauka* of Pi'ilani Highway in north Kihei.

**SMCRG COMMENT:**

*(6) The World Health Organization likewise supports safe routes to school: "Encouraging children to walk to school without providing pavements or safe places to cross the road, or reducing the speed of traffic, could in fact lead to increased injuries." (See WHO website.)*

**Response:** The Applicant supports this statement. The Project proposes to provide pedestrian and bicycle improvements along its roadway frontages as well as an easement connection from East Kaonoulu to Ohukai. The Applicant has also offered to assist the State Department of Transportation in the design of a pedestrian and bicycle crossing of Kulanihakoi Gulch, within the Highway Right of Way, outside of the roadway area.

**SMCRG COMMENT:**

*(7) Hawaii's people in general and Maui's adults in particular are increasingly obese and diabetic, partly due to the fact that our communities are poorly designed and built. (See CDC County Level Estimates of Obesity and Diabetes depicting increasing levels of both in Hawaii and Maui County from 2004 to 2009.) How will the isolated Pi'ilani Promenade and Honua'ula housing projects impact public health given the lack of connectivity to the rest of the community, except by means of a high speed highway? What public health burden will this isolated development impose on current and future generations?*

**Response:** This mixed-use Project located immediately adjacent to existing urbanized and developed land will include active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to provide opportunities for walking and biking. In addition the Project will provide an easement for pedestrian and bicycle

connectivity from Ohukai Road to East Kaonoulu Street. This will provide the option for pedestrian and bicycle access from the neighborhoods north of Ohukai to the project site. The intersection of Kaonoulu and Pi'ilani Highway will be improved with signalized pedestrian crossings to facilitate pedestrian access from the existing single-family neighborhoods and approved multifamily development makai of the Project site. The Applicant has offered to assist the State Department of Transportation in the design of a pedestrian and bicycle crossing for Kulanihakoi Gulch, within the highway right of way, outside of the roadway area. The onsite pedestrian oriented improvements will reduce the requirement for the automobile access to the development from existing nearby residential developments, and create a healthier lifestyle for those who live onsite. The offsite easement will expand the regional non-vehicular transportation network for the benefit of all residents in the Project vicinity.

**SMCRG COMMENT:**

*D. The DEIS contains no analysis of the sustainability of locating housing in a place that discourages (and makes it unsafe for) children to walk and bike to school. The Hawaii 2050 Sustainability Plan has bearing here. Where is the discussion? How do you defend a project that will require residents to use an automobile to access basic needs and schooling? What are the social and economic costs?*

**Response:** The Project has not received comment from State or County agencies regarding a minimum permitted distance from an existing public school for the development of residential units. The DOE has not typically developed Pre, Grade, Middle and High Schools all in direct proximity to each other. A residential area which may be within walking distance of one is unlikely to be within walking distance of all three other school levels. The Project is not anticipated to be more or less safe or healthy than other existing and proposed residences throughout the County. Complete towns and portions of towns are outside of the walking distance of one or more of the school facilities in the education cycle of a student. A park next to the residential area is provided for activity and exercise use and a series of improvements are proposed and have been described above which will provide a level of safety equal to current state and county standards for roadways and highways. In response to comments regarding sustainability the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

<u>Chapter 226-108 Sustainability priority.</u>			
<u>Priority guidelines to promote sustainability:</u>			
<u>Priority Guidelines:</u>	<u>S</u>	<u>N/S</u>	<u>N/A</u>
<u>(1) Encouraging balanced economic, social, community, and environmental priorities;</u>	<u>✓</u>		
<u>(2) Encourage planning that respects and promotes living within the natural resources and limits of the State;</u>	<u>✓</u>		
<u>(3) Promote a diversified and dynamic economy;</u>	<u>✓</u>		

(4) Encouraging respect for the host culture;	✓		
(5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;	✓		
(6) Considering the principles of the ahupua'a system; and	✓		
(7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawaii.	✓		

Analysis: The Project will provide greatly needed affordable and market rate rental units in Kihei. Providing Affordable Housing for Maui residents is priority of Maui Island Plan, Kihei -Makena Community Plan and the Department of Housing and Human Concern. The Project also supports Hawaii State Plan Chapter 226, HRS 226-106 "Affordable Housing" which sets priority guidelines for the provision of affordable housing in the State of Hawaii.

The Project is a planned urban infill project that will complement the light industrial development to the north and the proposed Kihei High School to the south, and is an appropriate location for urban development. The Project is approximately 0.5 miles from commercial services located at the Pi'ilani Shopping Center and 0.4 miles from the commercial services located at Ohukai Road. The Project site is approximately 1 mile from the public beach access along South Kihei Road.

The proposed mixed use development will provide light industrial, commercial and rental housing opportunities for workforce residents. The allowable mix of permitted uses on the Project site, including rental opportunities support a dynamic economy by proving additional light industrial, retail, commercial and housing options to Maui's workforce residents and visitors.

The Applicant has prepared a revised Cultural Impact Assessment to study and document cultural practices which may affect the project site. It was determined that the proposed project would not have an adverse impact on any cultural activities or significant historic sites. In addition an Archaeological Inventory was completed in 2015 as part of the Final EIS and the State Department of Land and Natural Resources, State Historic Preservation Division approved the AIS report in January 2016.

The Project can be described as urban infill that will complete an existing neighborhood and provide needed affordable rental units in the near future. The Applicant anticipates acceptance of the FEIS, which will document that the Project will not compromise the needs of future generations.

In the context of the Ahupua'a system, the Project will seek to improve the quality of storm water runoff as it travels towards the ocean through the implementation of the onsite drainage system which will provide storage for the increase in stormwater runoff in compliance with Chapter 4, "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 Rules for the Design of Storm Water Treatment Best Management Practices." The makai Project site boundary fronts Pi'ilani Highway and is approximately 0.5 miles from the ocean.

The Applicant is providing the Project residents with a 2-acre park space in front of the apartment development to promote recreation opportunities. In addition, sidewalks and bike paths will be incorporated into the site plan to promote no-vehicular circulation on the site.

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi'ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

**SMCRG COMMENT:**

*4. The DEIS makes no mention of the fact that the LUC recently conditioned land reclassification for the Kihei High School on construction of an overpass or an underpass to enable children living makai of the Pi'ilani Highway to get to the campus safely, without having to traverse the roadway itself. Given this, what steps need to be taken to enable children living mauka of the Highway to walk or bike to school when the only pedestrian/bike access route to the high school is a thin strip of asphalt at the edge of the roadway, pinched inward at the bridge just south of the Project, that fails to meet safe bike lane standards and is, on its face, dangerous, posing a significant and foreseeable risk of serious injury and death to children, with consequent state and county liability for personal injury or wrongful death with the added possibility of punitive damages being awarded upon a finding of "reckless disregard" for the health and safety of others?*

**Response 4:** In response to comments regarding the future Kihei High School overpass or underpass, we note that the condition was acknowledged in the FEIS Section V. D. (Unresolved Issues).

Additionally, in response to comments regarding the future Kihei High School overpass or underpass the FEIS Section V. D. (Unresolved Issues) has been revised to include the following language:

**5. Pedestrian Connection to the Kihei High School**

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The

DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements do more to improve the safety of the walking and bicycling public than any existing improvements located in south Maui.

**SMCRG COMMENT:**

5. A key requirement of the KMCP (and good planning in general) is that Development must proceed in concert with adequate infrastructure:

*"Upon adoption of this plan, it shall be required that adequate facilities and infrastructure will be built concurrent with future development." (KMCP, p. 15; emphasis added.)*

*There are no roads, walkways and bike lanes currently in place or that will support safe routes to school (state policy and good sense) from the Project to (a) the Kihei High School, (b) either of the elementary schools and for (c) to the middle school serving south Maui. What mitigations are needed to address this health and safety issue? Where is the discussion in the DEIS? There is none.*

**Response 5:** In response to comments regarding safe routes to schools the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

Additionally, in response to comments regarding the safe routes to schools, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

Without additional connectivity and access, the resulting number of users likely to travel by foot, bike, or transit is relatively small and thus no factor was applied to the resulting volumes. However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

**SMCRG COMMENT:**

**6 II. COMPLIANCE WITH THE KIHAI-MAKENA COMMUNITY PLAN.**

*The DEIS dodges a key question that must be answered by the Land Use Commission (LUC): conformance with, and enforceability of, the KMCP.*

*The DEIS relegates the question to the status of an unresolved issue, erroneously asserting that the only parties involved in the matter are the Applicant and the County of Maui Department of Planning. In fact, the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the ultimate EIS upon amendment of the KMCP.*

*Additionally, the people have an independent interest in conformance and enforceability of the Project with the community plan because south Maui is, after all, a community of residents, businesses and visitors with hopes and aspirations embodied in the KMCP, a plan that was carefully and diligently developed, debated and enacted into law according to explicit procedures set forth in the Maui County Code.*

*Here, the developers, acting in concert with the county, have steadfastly refused to seek amendment of the KMCP, preferring instead to pursue economic gain without following the law, thereby denying citizens the right to be heard (a component of the amendment process) and the right to develop the community as planned, and not according to the singular economic interests of an out-of-state developer and owner with little or no stake in the live-ability and long-term quality of life here.*

**A. The Project violates the KMCP.**

*It is indisputable that the Project violates the clear language of the KMCP.*

*(1) The required land use map attached to the KMCP explicitly designates the subject parcel of land "LI," defining LI narrowly as "Light Industrial (LI) This is for warehousing, light assembly, service and craft-type industrial operations." (See Land Use Map and definition of LI at KMCP page 55; note that*

land use categorization is specifically required of Maui island land according to Maui County Code section 2.80B.070, E., 7 and 8.)

(2) The KMCP specifically speaks to the parcel as follows: "Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide services to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods." (KMCP, p. 18.)

(3) "Develop commercial services at the following locations to meet community needs: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road. 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection. 3) In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park. 4) Along South Kihei Road opposite the Kama'ole beach parks." (KMCP, p. 18; note that all these areas are makai of Pi'ilani Highway while the Project is mauka of the highway.)

(4) "A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway. (KMCP, p. 16.)

(5) "Intended Effects of the Kihei-Makena Community Plan. Policy recommendations contained herein express the long-term visions for the Kihei Makena community. They will be used to formulate and prioritize programs and strategies and will affect the sequence and patterns of growth in the region." (KMCP, p. 15.)

**B. The KMCP has the force and effect of law.**

(1) The Hawaii Supreme Court and a Hawaii Appellate Court have both held, in cases to which the County of Maui was a party, that the KMCP, both the 1998 plan and its predecessor, have the force and effect of law. (See *Gatri v. Blaine*, 88 Hawaii 108 (1998) and *Leone v. County of Maui*, 128 Hawaii 183 (2012). Because the County of Maui was a party in each case, it is barred from asserting that the KMCP does not have the force and effect of law.

(2) Aside from the above, which is dispositive, the legal scheme by which community plans are adopted independently supports the binding legal effect of all community plans, a factor cited in both *Gatri* and *Leone*.

(a) The Maui County Charter speaks to the process for creation, adoption and amendment of community plans. (Section 8-8.5 and 8-8.6.)

(b) The Maui County Code also contains explicit directions for creation, adoption and amendment of community plans. (M.C.C section 2.80B.070) It speaks to "enforcement of the community plans" at subsection H, language inconsistent with plans merely being optional at the discretion of the mayor or planning director. Finally, the Code provides a process for amendment of community plans, an unnecessary activity if community plans were merely suggestive.

(c) Other Maui County resources likewise support the enforceability of community plans. For instance, the County's "Capital Budget Guidelines and Policies" speaks to the need to develop CIP budgets in concert with the "General Plan, Island Plan and Community Plans." "The Community Plans will reflect the

*unique characteristics of each Community Plan area and enable residents and stakeholders within those areas to address location specific challenges." (Guideline, p. 1-8.)*

*(d) Maui County Code section 2.80B.030 states that "All agencies shall comply with the general plan," noting that community plans are part of the general plan.*

*(e) The KMCP is county ordinance No. 2641 and is, ipso facto, law.*

*Finally, because none of the above is referenced or discussed in the DEIS, even when the matter was explicitly raised by SMCRG in its October 14, 2013, letter to the Applicant in response to its EISPN, and because a DEIS must include a robust discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area," the DEIS is legally deficient on its face, and fails to meet the requirements of Section 11-200-17 of Hawaii's environmental laws.*

**Response 6:** Maui County Code section 2.80B.070, E., 7 and 8 will apply to Community Plan Updates processed after the adoption of the 2012 Maui Island Plan where Growth Boundaries were first delineated. The section cited has not been retroactively applied to existing Community Plans to date. In response to comments regarding the compliance with the KMCP, we note that compliance with KMCP is addressed in the FEIS Section IV. F. (Kihei-Makena Community Plan)

The KMCP does propose limitations on the creation of commercial uses in the area south of Ohukai and Mauka of the Pi'ilani Highway. However, Zoning for the property was approved by the Maui County Council in 1999 with no limitations on uses and after full discussion on the KMCP goals, objectives and policies. Based on the timing of the Project's Zoning approval, it is the Applicant's understanding that the Maui County Council Zoned the Project site Light Industrial in 1999 without condition or limitation on Commercial and Multi-Family Uses and therefore with the expectation that the full range of uses permitted by the M-1 Light Industrial District do substantively conform to the intent of the KMCP which was adopted by Council the year prior, in 1998.

Additionally in response to comments regarding the compliance with the KMCP, the FEIS Section V. D. (Kihei-Makena Community Plan) has been revised to include the following language:

## **2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory



or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

**SMCRG COMMENT:**

**7.III. COUNTYWIDE POLICY PLAN**

*A key driver of Maui's Countywide Policy Plan is the avoidance sprawl and the promotion of "smart growth." Urban sprawl is variously defined. The following definition is cited in Community Planning by Eric Kelly, 2nd Ed. 2010, at page 16, culled from research at the University of Wisconsin:*

*'We consider sprawl to be any environment characterized by*

*(1) A population widely dispersed in low density residential development; (2) rigid separation of homes, shops and work places;*

*(3) A lack of distinct, thriving activity centers, such as strong downtowns or suburban town centers; and*

*(4) A network of roads marked by large block size and poor access from one place to another."*

*Here we have a Project located away from the existing community, built almost entirely mauka of Pi'ilani Highway; disconnected except by one proposed access point that will be a major highway intersection on a high speed highway; that is automobile-centric and not walk-able, even to the proposed high school next door or to the neighboring light industrial development; and that destroys the community plan that is designed to create infill and develop commercial/downtown centers. The Project meets the definition of classic sprawl. To abide by the requirements of section 11-200-17, the DEIS must recognize this reality and discuss the impact it will have on south Maui's quality of life, on degraded real estate values, diminished real property tax revenue and public health and welfare.*

*In addition, because the Project initially proceeded in violation of a state Land Use Commission order and is now proposed to proceed in violation of the KMCP and zoning, the negative impact this Project has had and will continue to have on the trust of citizens in government must be assessed.*

**Response 7:** The proposed Project will be completely mauka of the Pi'ilani Highway.

Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

It is the Applicant's position that the original 123-lot Light Industrial Development, without diversity of uses would more accurately reflect the definition of sprawl provided above.

Information on proposed interconnectivity to existing nearby neighborhoods has been described above.

In response to comments regarding sprawl, the FEIS Section V.C. (Cumulative and Secondary Impacts) has been revised to include the following language:

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south

Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business /commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

**SMCRG COMMENT:**

**IV. SEGMENTATION**

*The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Pi'ilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The proposed Honua'ula component of the Project was wrongfully omitted from the environmental assessment done of the related Wailea 670 project located further south in Wailea. The request to bifurcate the Pi'ilani Promenade Project from the Honua'ula component of the 88 acre parcel may be a thinly veiled attempt to separate the wrongs of the Applicant from the errors and omissions of Honua'ula. (Note: all these projects are represented and coordinated by the identical owners' representative.)*

**Response 8:** In response to comments regarding segmentation the FEIS Section II.C. (Project Background) has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13- acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly

proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

**SMCRG COMMENT:**

**IV. ECONOMIC IMPACT ANALYSIS**

*Assessment of the economic impact of the Project is inadequate. Essentially, the assessment states that construction jobs will be created and after the construction phase is completed, retail jobs will be created. Unanswered are questions posed by SMCRCG in its October 14, 2014, letter to the Applicant in response to the EISPN. (See questions 1 - 14 at pages 11- 12.) Without answers to these key questions, the economic analysis is incomplete, particularly since the Project will, if allowed, destroy a key component of the KMCP, which is targeted at reining in sprawl by restricting retail and commercial development to four distinct commercial zones makai of the Pi'ilani Highway. If the KMCP cannot be realized due to the rogue nature of the Project, what will the consequences be? Are the State and community planning processes simply irrelevant and dead, with developers and county mayors getting to decide who gets to do what, where, and when regardless of the will of the people, expressed in community plans? Will this become a function of who donates the most to political campaigns, or who knows whom in county government?*

*Additionally, since the DEIS does not disclose the configuration, location and size of proposed retail space, it is impossible to calculate the kind of retail enterprises that will populate the shopping centers. If retail pads are to be occupied by "Big Box" stores that currently do not exist in south Maui, calculation of economic impact will take on a distinctly different analysis in terms of impact on existing retailers in the community, recirculation of income, etc. None of this is provided.*

*Finally, there is no recognition that Maui County has the highest retail center vacancy rate in the state of Hawaii: 9.2% according to credible data published in CBRE's Q2 2014 "Hawaii Retail Market View." What impact will the Project have on a retail environment that already exhibits a high level of vacant retail space, particularly when coupled with a well-documented trend toward increased on-line shopping?*

*The analysis also fails to recognize and assess the impact other large commercial projects underway elsewhere on Maui will have on the Project and on the south Maui community, such as the large Target store now under construction in the A&B business park, and the A&B business park itself, both of which are located at the terminus of the Mokulele Highway nearest Kihei in Kahului. Instead, the analysis is presented in a vacuum of information and data.*

**Response:**

In the context of the existing Zoning for the Project Site and Maui County Code 2.80B.030 - General plan which states, "B. All agencies shall comply with the general plan, and administrative actions by agencies shall conform to the general plan, except for ministerial permits or approvals including, but not limited to, building permits, grading permits, plumbing permits, and electrical permits.", it should be anticipated that retail and commercial development and Uses would substantially occur within the original 123-lot Light Industrial Subdivision, consistent with other Light Industrial subdivisions throughout Maui County.

The proposed Project provides a more diverse configuration of uses which will be better suited to engage the existing residential neighborhoods in the vicinity and the future intersection of the Piilani and Kihei Upcountry Highway. Significant Light Industrial development exists abutting the Project site to the north which includes significant commercial and retail Uses. It is not anticipated that expanding the same pattern of development would contribute to the vibrancy of the existing development to the north and west.

In response to comments regarding the Economic and Fiscal Impact Analysis the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

Over the past 20 years the Maui light industrial sector has evolved and the initial conceptual plan of 123 small lots to would support approximately 900,000 square feet (SF) of business floor area and is no longer valid in today's market. The updated Pi'ilani Promenade project proposes a smaller development at 530,000 square feet of business commercial space, and approximately 58,000 square feet of light industrial space, and the 226 multi-family units. Therefore it is anticipated that this development is more appropriate and will be successful in current and future market conditions.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

The problem is not with demand for competitive spaces in the area, but the lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

**SMCRG COMMENT:**

**PART II. SPECIFIC COMMENTS AND OBJECTIONS**

*SMCRG submits the following specific comments and objections to the text:*

**HAWAII STATE PLAN**

**1. Objective and Policies for Population (p. 86)**

*Items (1) - (4) and (7) should read "N/S" since the Project is sprawl, composed largely of retail uses that will produce low paying, dead-end jobs, and violates state and county planning policies, procedures and governing documents.*

**Response:** In response to comments regarding population the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Project supports policy items 1-3 and 7. Policy item 4 is not applicable as the Project does not include public awareness programs or activities to understand concerns of population increase. The proposed project includes a residential component that will help accommodate foreseeable population growth on Maui. The Pi'ilani Promenade incorporates current land use planning themes which encourages mixed use projects and incorporates a variety of compatible uses on the same property. Given the Light Industrial (LI) designation of the property by the Kihei-Makena Community Plan and the placement of the Project site within the Urban Growth Boundary by the Maui Island Plan, the Project site is in an appropriate location for new urban concentration and growth. Both of these plans support an urban use of the Project site, and with existing infrastructure and public facilities in close proximity, balancing employment with housing and services is a central tenet of smart growth.

The Pi'ilani Promenade will strengthen Maui's economy by creating jobs for Maui residents which will in turn have a positive impact on the rest of the Maui economy. The result will be an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires, which will promote increased opportunities for Hawaii.

**SMCRG COMMENT:**

**2. Objectives and Policies for the Economy- In General (p. 87)**

*Items (2), (3), (8)-(10), (14), (15), and (17) should read "N/S" since the Project is sprawl, composed largely of retail uses that will produce low paying, dead-end jobs, and violates state and county policies, procedures and governing documents.*

**Response:** In response to comments regarding the economy the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Project supports policy items 2, 3, 8-10, 14, 15, and 17. Given the Light Industrial (LI) designation of the property by the Kihei-Makena Community Plan and the placement of the Project

site within the Urban Growth Boundary by the Maui Island Plan, the Project site is in an appropriate location for new urban concentration and growth. Both of these plans support an urban use of the Project site, and with existing infrastructure and public facilities in close proximity, balancing employment with housing and services is a central tenet of smart growth.

As discussed in Section III.B.3 (Economy) the construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

**SMCRG COMMENT:**

*3. Objectives and Policies for the Economy-Potential Growth Activities (p. 89)*

*Items (1), (5), (6), (9) and (11) should read "N/S" because the Project will not promote new, technological or growth industries.*

**Response:** In response to comments regarding the economy-potential growth activities, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Pi'ilani Promenade will encompass a variety of permitted land uses which are expected to attract a broad range of businesses because of this diversity. This mixture of light industrial, residential, commercial, and retail uses will make the Pi'ilani Promenade a more vibrant and attractive environment for businesses to setup shop and to grow their operations. The Pi'ilani Promenade supports policy items 1, 5, 6, 9 and 11 because the Project will facilitate the development of new businesses, including the opportunity for information industry which will provide employment opportunities for Maui residents.

**SMCRG COMMENT:**

*4. Objectives and Policies for the Physical Environment - Land Based, Shoreline and Marine Resources (p. 91)*

*Items (1) - (9) should read "N/A" since the issues are not applicable to the Project.*

**Response:** In response to comments regarding the Physical Environment, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed policies items 5 and 7 to "N/A" as requested by the South Maui Citizens for Responsible Growth (SMCRG) since the issues are not applicable to the Project. Policy 9 was already marked as N/A. Policies 1-4, 6 and 8 are supportive because the Pi'ilani Promenade does not lie within the Hawaii Coastal Zone Management Area nor is it located within the Special

Management Area for the island of Maui. No listed or endangered species of flora and fauna were identified on the property. During the construction and operational phases of the project, Best Management Practices (BMPs) will be implemented to mitigate non-point source pollution to coastal resources and mitigate the effects of fugitive dust. ~~Through the public review process for the EIS, mitigation measures will be identified to help address any environmental impacts that may arise from the proposed project. As documented in Section II.H "potential impacts and mitigation measures" of the FEIS, the Project is not anticipated to result in significant impacts to the environment.~~

**SMCRG COMMENT:**

5. *Objectives and Policies for the Physical Environment - Scenic, Natural Beauty, and Historic Resources* (p. 92)

*Items (1) - (5) should read "N/A" since the Project will do none of these things. If anything, the Project will document historic cultural sites, then the sites will be obliterated. The land itself will not be enhanced or beautified by addition of a sprawling shopping center with acres of asphalt parking lots and Big Box stores that characterize an increasingly homogenous, soul-less America.*

**Response:** In response to comments regarding the Physical Environment, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: Policy items 1- 5 are supported by the Project. The Pi'ilani Promenade will complement the architectural character of South Maui as well as other developed properties in the area. As part of the environmental review process the Maui County Planning Department has requested to be involved in the design of the Project, which the Applicant has agreed to.

As discussed in Section III.A. 8 (Historical and Archaeological Resources) The proposed project will not impact Kulanihako'i Gulch and is not anticipated to significantly impact the physical environment. The project promotes the preservation of historic resources and the Applicant's Archaeologist has submitted a Data Recovery Plan to ~~will work with~~ the State Historic Preservation Division that is currently under review. ~~to prepare a data recovery plan.~~

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing potential impacts to Kulanihako'i Gulch and the return of the petroglyph boulder that was previously removed from the project site by a former land owner, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and that the petroglyph boulder be returned to the property. The Applicant has discussed the possible return of the petroglyph boulder with the former land owner; however, the former owner rejected this request since the relocation plan was approved by State Historic Preservation Division (SHPD). In



addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

As discussed in Section III.B.4 (Cultural Resources) the cultural impact statement (CIA) which was prepared for the proposed project reported that there were no visible cultural resources, (i.e. medicinal plants, shoreline resources, religious sites, or archeological resources) observed on the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or any gatherings currently taking place on the site. The oral history interviews did not reveal any known gathering places on the subject property nor did any access concerns surface as a result of the proposed Project. In light of the foregoing, it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.

As discussed in Section III.A.9 (Visual Resources) the Pi'ilani Promenade is not anticipated to have significant impacts on views from Pi'ilani Highway toward Haleakala. The property is setback 30 feet from Pi'ilani Highway and building heights are limited to 60 feet. The proposed project will complement the architectural character of South Maui as well as other developed properties in the area.

**SMCRG COMMENT:**

*6. Objectives and Policies for the Physical Environment - Land, Air, and Water Quality (p. 93)*

*Items (1) and (2) under "Objectives" should read "N/S" since cultural sites will be destroyed and the area replaced by a sprawling shopping center that is not walk-able or bike-able and is automobile-centric so that access to the site will have to be by vehicle trips that will burn fossil fuel in direct opposition to sustainability principles that are designed to protect our natural resources, including air and water.*

*Items (2) - (5), (6) and (7) should read "N/S" since the Project will require more automobile trips in the region, alter the natural landscape by eliminating the Ka'ono'ulu Gulch, redirect runoff into a neighboring gulch, cover the ground with impervious material and heighten the risk of flooding in an area already plagued by flood risk. The Project is not located within commercial zones already existing in Kihei and is therefore not close to existing services and facilities. Its remote location on the fringe of town and on the mauka side of the Pi'ilani Highway will work to degrade community quality of life.*

**Response:** In response to comments regarding the Physical Environment, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed objective items 1 and 2 in the FEIS to read "N/A" as the Piilani Promenade project is not promoting maintenance or greater public awareness and appreciation of Hawaii's environmental resources. Policy items 2-7 remain supportive. The proposed project is zoned for light industrial uses, including commercial and multi-family and is located adjacent to existing urban development and will utilize best management practices to limit impacts to the physical environment.

The Pi'ilani Promenade does not lie ~~with the Hawaii Coastal Zone Management Area nor is it located~~ within the Special Management Area for the island of Maui. No listed or endangered species of flora and fauna were identified on the subject property. During the construction and operational phases of the project, Best Management Practices (BMPs) will be implemented to mitigate non-point source pollution to coastal resources and mitigate the effects of fugitive dust. ~~Through the public review process for the EIS, mitigation measures will be identified to help address any environmental impacts that may arise from the proposed project.~~

From a site planning perspective, the design and layout of the project involved an evaluation of existing topographic conditions in order to create a viable development plan which would minimize potential impacts to the land form. To the extent practicable, the layout and orientation of future buildings will strive to preserve view planes toward the Pacific Ocean.

As discussed in Section III.A.6 (Air Quality), appropriate mitigation measures will be implemented during construction to minimize any temporary impacts on air quality. The proposed project will be developed in accordance with applicable Federal and/or State air quality standards.

As discussed in Section III.A.3 (Natural Hazards), the development of the Pi'ilani Promenade will not increase the possibility of natural hazards such as flooding, tsunami inundation, hurricanes, and earthquakes. The Pi'ilani Promenade will be constructed in compliance with County, State and Federal standards.

The New Urbanism concept is a globally successful design practice which will be utilized for the Pi'ilani Promenade. The design of the project will enhance the physical quality of the property by providing housing, development, and related infrastructure on the same site.

#### SMCRG COMMENT:

*7. Objectives and Policies for Facility Systems- Transportation (p. 96)*

*Items (1)– (3), (5) and (6), and (9) – (13) should read "N/S" since the Project is not multi-modal and is, in fact, automobile-centric. This will in turn result in further reliance on and expenditure of fossil fuels. It will also impede future, quality growth in the community by denying the region the focused commercial growth plan imbedded in the KMCP. So, not only will automobile traffic increase in the area, the ability to generate greater walking and biking in a community will be dashed, creating a "lose/lose" for Kihei and Hawaii.*

Response: The Applicant has changed items 1- 3, 5, 7, and 8 in the FEIS to read "N/A" because the Pi'ilani Promenade is not responsible for planning for the State's facility systems with regard to transportation. The proposed project includes creation of a unified system of pedestrian and bicycle infrastructure which will provide connectivity between the residential and employment areas within the project site.

The Project will also provide a segment of the future KUH. Transportation demand and management strategies for the Project support methods such as bicycle and pedestrian use, ridesharing, and off-peak commuting.

As discussed in Section II.FE.3 and 4 of the FEIS, the proposed project establishes a settlement pattern that is significantly more compact and mixed-use in character as compared to the previously approved 123-lot light industrial subdivision. This new site plan also reflects the creation of a unified system of pedestrian and bicycle infrastructure which will provide connectivity between the residential and employment areas within the project site.

The proposed project will also provide a segment of the future Kihei Upcountry Highway (KUH). Transportation demand and management strategies for the Pi'ilani Promenade support methods such as ridesharing, bicycle and pedestrian use, off-peak commuting and other measures discussed in the TIAR (See: Appendix M) and TIAR update (See: Appendix M-1).

**SMCRG COMMENT:**

*8. Objectives and Policies for Facilities and Systems -Energy (p. 97)*

*Items (4), (8) and (9) should read "N/S" since the Project is automobile-centric and will therefore generate greater greenhouse gas, coupled with frustration of the KMCP's plan to create walk-able and bike-able downtowns in designated areas in south Maui. Item (10) should read "N/A" since there is no evidence that the Project will provide priority handling of energy permits, a government function.*

**Response:** In response to comments regarding Facilities and Systems-Energy, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: Policies 4 and 8 were left as "S" because the Project will reduce greenhouse gas by incorporating renewable energy such as solar water heaters and photovoltaic panels when possible. Landscaping will be incorporated into the Project site that can help filter emissions and improve air quality. Items 9 and 10 were changed to "N/A" as there is no proposed action to reduce gas emissions through agriculture and forestry initiatives and no evidence that the Project will provide priority handling of energy permits, a government function.

As discussed in Section III.D.5 (Electrical) the Pi'ilani Promenade will include conservation measures to encourage the use of energy-efficient technology throughout the project, specifically in areas involving lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development. Occupants of the Pi'ilani Promenade will be encouraged to install Photovoltaic Energy Systems where appropriate and feasible.

In addition, the Pi'ilani Promenade is utilizing smart growth planning techniques that will help to reduce automobile trips. The design of the project will help minimize automobile trips by providing employment, goods, services and housing within walking or biking distance of each other. The design and layout of the Pi'ilani Promenade includes a unified pedestrian and bicycle system within the project site, as well as connections to areas of existing and future development. The pedestrian and bicycle system will provide future residents with an alternative to motorized

transport within the Pi'ilani Promenade. In addition, the Applicant will work with the Maui Department of Transportation to provide a location for a Maui Bus stop.

**SMCRG COMMENT:**

9. Objectives and Policies for Socio-cultural Advancement- Housing (p. 99)

Item (2) under "Objectives" should read "N/S" since the Project is the opposite of "orderly development." The Project has previously been found in violation of the LUC's 1995 Order (failure to construct a frontage road; failure to file annual progress reports; and failure to develop the property as represented to the LUC) and it remains in violation of the KMCP and zoning, for which no amendment has been or apparently will be sought by the Applicant. This is disorderly development

Items (5) and (7) should read "N/S" since the Project's proposed housing is not located in existing neighborhoods and will in fact be located in scrub land completely removed from Kihei's core and without any existing infrastructure, with the exception of a water line that runs through the Property and delivers all of south Maui's potable water needs. Items (4) and (8) should read "N/A" because neither apply.

**Response:** In response to comments regarding Socio-cultural advancement-Housing, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Project supports objective item 2 by providing residential units onsite as part of an orderly mixed use development. In addition, the Applicant believes that policy items 5 and 7 are "S" supported by the Project because onsite residential units will be constructed with accessibility to facilities and services in the surrounding areas. Item 7 is supported by the Project because the design of the Project will include collaboration with the Maui County Planning Department to ensure the design will foster a variety of Maui residents and their lifestyles. The Project is located within the Urban Growth Boundary of Kihei and is an appropriate location for urban development. The Applicant has changed items 4 and 8 in the FEIS to read "N/A" because the Project does not have existing housing, and will not promote research and development to reduce the cost of housing construction.

As discussed in Section III.B.2 (Housing), the Pi'ilani Promenade will offer multi-family housing to address the diverse housing needs of Maui residents. The multi-family housing will include affordable housing units in compliance with Maui County Code, Chapter 2.96 (Residential Workforce Housing Policy). Workforce homes will be subject to the requirements of Chapter 2.96, MCC to ensure that affordable homes are available for full-time Maui residents.

**SMCRG COMMENT:**

10. Objectives and Policies for Socio-cultural advancement- Health (p. 101)

Items (1) and (2) should read "N/S" because the Project will negatively impact the health of the people living on site and the health of the larger community because it is automobile-centric in contravention of all knowledge about the causes of America's obesity and diabetes epidemics and the effect lack of exercise

*in daily life plays in the development of these and other debilitating and costly diseases. The Project is not even neutral; it promotes poor health and disease.*

**Response:** In response to comments regarding Socio-cultural advancement-Health, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant is supportive of advances in healthcare; however the Pi'ilani Promenade does not involve or require the advancement of a State initiative or program with regard to health. Based on the preceding, these objectives are not applicable. Accordingly, the Applicant has changed objectives 1 and 2 in the FEIS to read "N/A".

**SMCRG COMMENT:**

11. Objectives for Socio-cultural Advancement - Leisure (p. 101)

Items (1)- (7) should read "N/S" and items (6) and (8) - (10) should read "N/A."

This is, after all, a shopping center.

**Response:** In response to comments regarding Socio-cultural advancement-Leisure, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: Policies 1-5, 7 are left as "S" supportive. The Project provides a neighborhood park and open spaces with pedestrian and bicycle pathways. Additionally, the Project is subject to, and will comply with, the provisions of Section 18.16.320, MCC which requires developers to provide land and/or money for park and playground purposes in the in the Kihei-Makena Community Plan region. The Applicant has changed items 6, 8 and 10 in the FEIS to read "N/A" because they are not applicable to the Project. The Applicant has kept policy item 9 as "N/A" because the Project is not developing creative expression in the artistic disciplines to enable all segments of Hawaii's population to participate in the creative arts.

As discussed in Section II.D.F.5 E, the site plan for the Pi'ilani Promenade provides a neighborhood park and open spaces with pedestrian and bicycle pathways. Additionally, the Pi'ilani Promenade is subject to, and will comply with, the provisions of Section 18.16.320, MCC which requires developers to provide land and/or money for park and playground purposes in the in the Kihei-Makena Community Plan region.

**SMCRG COMMENT:**

12. Objectives for Socio-cultural Advancement- Public Safety (p. 103)

Item (3) should read "N/S" since there is no evidence that the Project will in any way promote a sense of community responsibility for the welfare and safety of Hawaii people other than what already exists.

**Response:** In response to comments regarding Socio-cultural advancement-Public Safety, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed item 3 in the FEIS to read "N/A". The proposed project does not require or involve any State initiatives or programs for public safety; therefore, these objectives are not applicable.

**SMCRG COMMENT:**

13. *Objectives and Policies for Socio-cultural Advancement - Government (p.103)*

*Items (1) and (2) should read "N/S" since the Project has violated the LUC's 1995*

*Order and the Applicant now proposes to proceed with development despite the light industrial use required by the KMCP and county zoning. The Applicant's and County's actions to date have eroded the people's confidence in government and given rise to speculation that cronyism is at work given the County's refusal to enforce the LUC's 1995 order and its apparent current posture that no amendment of the KMCP is needed, even in the face of a project that bears no resemblance to the light industrial use carefully and explicitly articulated in the community plan, not to mention (1) holdings by state courts that the KMCP has the force and effect of law, (2) the County Charter, (3) County ordinances and (4) other County resource document holding up community plans as inviolable (in the absence of amendment). That the Applicant's representative is a former Maui County Public Works director with relationships with County officials has not gone unnoticed either, which perhaps would not be worthy of comment except for the County's remarkable lack of enforcement in this case.*

**Response:** In response to comments regarding Socio-cultural advancement-Government, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant supports government responsibility and efficiency; however the proposed Project does not involve planning for the State's socio-cultural advancement with regard to government. In light of the foregoing, these objectives are not applicable. Accordingly, the Applicant has changed items 1 and 2 in the FEIS to read "N/A".

**Comment:** 14. *Economic Priority Guidelines to Stimulate Economic Growth ... to Encourage a Diversified Economy (p. 104)*

*Items (1) - (10) should read "N/S" since the Project is mostly retail, generating mostly retail jobs that are neither diversified nor likely to lead to satisfying careers. To say otherwise is fiction, unsupported by fact.*

**Response:** In response to comments regarding Economic Priority Guideline A, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The purpose of the updated Pi'ilani Promenade supports priority guideline items 1-10 and the Project goal is to provide an opportunity for a mix of uses for greater flexibility to attract a broader range of desirable businesses with a diversified offering. New Urbanism planning techniques and urban design strategies will make the Pi'ilani Promenade a more vibrant and attractive environment for businesses to locate and grow their operations. The Pi'ilani Promenade will expand Maui's employer base and increase employment and management opportunities for residents.

**SMCRG COMMENT:**

15. *Guidelines to Promote Economic Health and Quality of the Visitor Industry (p.106)* Item (1) should read "N/S" since the Project is automobile-centric and will necessarily increase traffic in the region. The economic analysis, such as it is, estimates that 97% of the sales generated in the Project's retail stores will come from offsite. As boldly claimed in leasing literature published by

*the previous developer, Eclipse, the planned shopping centers will draw people from all over Maui at what it bragged would become the busiest intersection in Maui County! How increased local traffic will engender "the Aloha Spirit and minimize inconveniences" claimed by the Applicant is not explained. Traffic choked, ugly Dairy Road in Kahului is a good example of what sprawl and vehicle load can do to an area. By developing a huge regional shopping center in Kihei, the community's desire to create walk-able/bike-able downtowns will be destroyed. These downtowns, not "Mega Malls" on the highway, are what will engender the Aloha Spirit, minimize inconveniences and create a much needed sense of community in what is already a sprawling Kihei (which is exactly why the KMCP is written as it is). Items (8) and (9) should read "N/A" since there is no factual basis presented for the claims made and it is illogical that shopping malls will create a safer environment or stimulate advance data techniques any more that they will create world peace.*

**Response:** In response to comments regarding Economic Priority Guideline B, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed priority guideline items 1, 8, and 9 in the FEIS to read "N/A" because the Project is not promoting the visitor industry or activities.

**SMCRG COMMENT:**

*16. Priority Guidelines for Water Use and Development (p. 107)*

*Items (3) and (4) should read "N/A" since there are no facts presented that the Project will do either of these things.*

**Response:** In response to comments regarding Economic Priority Guideline E, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed items 3 and 4 in the FEIS to read "N/A" because the Project is not involved with researching or developing alternative water sources not is the Project exploring alternative funding sources for water system improvements.

**SMCRG COMMENT:**

*17. Priority Guidelines for Energy Use and Development (p.107)*

*Items (1) - (3) should read "N/A" since there are no facts presented that the Project or its Applicant will do any of these things. Item (4) should read "N/S" because the Project is automobile-centric sprawl that will create more traffic, use more fossil fuel and deny the public a walk-able and bike-able community that would result in energy conservation.*

**Response:** In response to comments regarding Economic Priority Guideline F, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed items 1-3 in the FEIS to read "N/A". Item 4 is supported by the Project because the Project will include energy-efficient design and conservation measures. Specifically, the Applicant will encourage the use of energy efficient technology throughout the

Project, specifically, in lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the Project and installation of Photovoltaic Energy Systems will be encouraged in all areas of the Project. The Applicant is open to working with the Maui Bus on a potential bus stop location to encourage public transportation.

**SMCRG COMMENT:**

*Priority Guidelines to Promote the Development of the Information Industry (p 107) Items (2) - (6) should read "N/A" since the Project is a retail shopping center, not a high technology incubator project. To claim that Big Box and other retail outlets will expand high tech in Hawaii is unsubstantiated, illogical and hyperbolic.*

**Response:** In response to comments regarding Economic Priority Guideline G, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has changed item 6 to "N/A" and kept items 2-5 as "S". The purpose of the Project is to provide an opportunity for a mix of uses for greater flexibility to attract a broader range of desirable businesses with a diversified offering. The Project plan will encourage a tenant like a technology/business incubator. In addition, the Project will facilitate the development of new businesses, including the opportunity for information industry which will provide employment opportunities for Maui residents.

As discussed in Section III.D.65 (**Electrical Utilities**) the Pi'ilani Promenade will include energy-efficient design and conservation measures. Specifically, the Applicant will encourage the use of energy efficient technology throughout the project, specifically, in lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development and installation of Photovoltaic Energy Systems will be encouraged in all areas of the Pi'ilani Promenade.

As discussed in Section III.B.3 (Economy) the construction of the Pi'ilani Promenade is projected to generate approximately \$212 million of new capital investment into the Maui economy and will provide an estimated 878 "worker years" of employment and \$66.5 million in total wages over a 12-15 year period. This will result in expenditures that will have a positive direct, indirect and induced impact on the County of Maui economy. During the operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The Pi'ilani Promenade will provide direct employment opportunities for Maui residents and contribute to the diversification and growth of the Island's and State's economies. After "stabilization" is estimated that the Promenade will support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

**SMCRG COMMENT:**

19. *Priority Guidelines to Effect Desired Statewide Growth and Distribution (p.108-9)*

*Items (1) - (3) should read "N/S" since the Project flies in the face of the existing state Land Use Commission order, the KMCP and zoning. This is not a planned project; it is had been, and continues to be, a rogue project. In 2005 the new owners of the 88-acre parcel changed the planned development from a permitted light industrial park into a proposed huge regional retail shopping center. The Project, if*



*allowed, will swamp south Maui roads, impair existing retailers and retail shopping centers in the area, destroy the KMCP's design and violate the citizens' right to be heard (since the developers seek to pursue an entirely different project from the one approved and imbedded in the KMCP without following the amendment process set forth in the Maui County Charter and Code that afford the people a right to be heard).*

**Response:** In response to comments regarding Population Growth and Land Resources Priority Guideline A, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: The Applicant has kept items 1-3 as "S" supportive because the Project will provide housing and employment opportunities for the growing population of the Kihei-Makena region. The Project site is located within the Maui Island Plan's Urban Growth Boundary and the Project site is designated for Light Industrial use in the Kihei-Makena Community Plan. Significant urban development and supporting infrastructure adjoin the Project site and existing urban development and future urban growth areas in Kihei are in close proximity.

The Applicant has changed item 4 to "N/A" as the Project is not encouraging major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.

The Applicant has changed item 7 to "N/A" as the Project is not a technology park.

**SMCRG COMMENT:**

*Item (4) should likewise read "N/S" because when developers skirt the law (1995 LUC Order, KMCP, zoning, and mandated amendment processes), then bemoan the difficulty of developing in Hawaii, they convey the impression that development here is difficult. In fact, when developers do not follow the law problems can arise if the citizenry is sophisticated enough and has the ability to raise legal objections in administrative and judicial venues, as has been done here.*

**Response:** In response to comments regarding Population Growth and Land Resources Priority Guideline A, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

The Applicant has changed item 4 to "N/A" as the Project is not encouraging major state and federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.

**SMCRG COMMENT:**

*Item (7) should read "N/A" since the Project will not support the development of high technology parks as claimed.*

**Response:** In response to comments regarding Population Growth and Land Resources Priority Guideline A, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

The Applicant has changed item 7 to "N/A" as the Project is not a technology park.

**SMCRG COMMENT:**

*20. Priority Guidelines for Regional Growth Distribution and Land Resource Utilization(p.10)*

*Items (1), (3)- (5), (7) and (12) should read "N/S" since this huge retail complex will be located away from areas designated in the KMCP where water and infrastructure already exist. Additionally, there is little known about the Kamaole aquifer from which the Project intends to draw some of its water. The aquifer is listed as least known by the state Commission on Water Resources Management. At the same time, many developers mauka of Pi'ilani Highway are looking to it to supply water without a global accounting for total draw and calculation of the sustainability of multiple draws upon the resource. It is a high-risk "crap shoot" that threatens the long term integrity of the Kamaole aquifer, bearing in mind that the Project is located in what is essentially a desert that is likely to get even drier with climate change. (State policy embraces an expectation of a drier future for the Hawaiian islands; see, e.g., DLNR proclamations and projections.)*

**SMCRG COMMENT:**

*Items (9), (10) and (13) should read "N/A" since they do not apply; no facts support application.*

**Response:** In response to comments regarding Population Growth and Land Resources Priority Guideline B, the FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

Analysis: Items 1, 3 and 4 are supported "S" by the Project because significant urban development and supporting infrastructure adjoin the site and existing urban development and future urban growth areas in Kihei are in close proximity.

The Applicant has changed items 5 and 7 to "N/A". Item 12 is supported because the Project will provide housing and employment opportunities for the growing population of the Kihei-Makena region. The Project site is located within the Maui Island Plan's Urban Growth Boundary and the Project site is designated for Light Industrial use in the Kihei-Makena Community Plan.

Item 9 is supported "S" by the Project as the development is not located in a critical environmental area. The LSB and ALISH classification systems indicate that the Project site possesses poor soil and low soil ratings for productive agricultural uses. As such, the utilization of these poorly-rated agricultural lands for urban use and development is deemed appropriate. The Applicant has changed items 10 and 13 to "N/A" because these priority guidelines are not applicable to the Project.

As discussed in Section III.B.1 (Population) the Pi'ilani Promenade will provide housing and employment opportunities for the growing population of the Kihei-Makena region. The subject property is located within the Maui Island Plan's Urban Growth Boundary and the property is designated for Light Industrial use in the Kihei-Makena Community Plan. Significant urban development and supporting infrastructure adjoin the site and existing urban development and future urban growth areas in Kihei are in close proximity.

As discussed in Section III.D (Infrastructure), the Pi'ilani Promenade will be responsible for all required infrastructure improvements including water source and system improvements for drinking water use, onsite drainage improvements, a portion of regional traffic-related improvements attributable to the project, required on- and off-site wastewater system improvements, and utility upgrades as determined by the appropriate governmental agencies and public utility companies.

From a site planning perspective, the design and layout of the project involved an evaluation of existing topographic conditions in order to create a viable development plan which would minimize potential impacts to the land form. To the extent practicable, the layout and orientation of future buildings will strive to preserve view planes toward the Pacific Ocean.

As discussed in Section III.C.4 (Schools), the Pi'ilani Promenade has not been designed to accommodate a public school site. However, the Hawaii Legislature enacted Act 245 in 2007 as Section 302A, HRS, "School Impact Fees". The Pi'ilani Promenade is within the boundaries of the Department of Education's (DOE) Central Maui Impact District and is within the Makawao Cost Area of that district. Projects within the district and cost area are required to pay a construction fee and either a fee-in-lieu of land or a land donation (at the discretion of the DOE). At the appropriate time, the Applicant will contact the DOE to enter into an impact fee agreement.

As discussed in Section III.C.3 (Police and Fire protection services) increased tax revenues generated by the project will provide additional funds to the County for police and fire capital facility improvements and service upgrades. Additionally, the applicant will comply with any impact fee ordinances for police and fire.

As discussed in Section III.A.10 (Agricultural Resources) The LSB and ALISH classification systems indicate that the lands underlying the project site possess poor soil and low soil ratings for productive agricultural uses. As such, the utilization of these poorly-rated agricultural lands for urban use and development is deemed appropriate.

The Pi'ilani Promenade does not lie ~~with the Hawaii Coastal Zone Management Area nor is it located~~ within the Special Management Area for the island of Maui. No listed or endangered species of flora and fauna were identified on the subject property. During the construction and operational phases of the project, Best Management Practices (BMPs) will be implemented to mitigate non-point source pollution to coastal resources and mitigate the effects of fugitive dust. ~~Through the public review process for the EIS, mitigation measures will be identified to help address any environmental impacts that may arise from the proposed project.~~

**SMCRG COMMENT:**

*21. Priority Guidelines in the Area of Criminal Justice (p. 111)*

*Items (1) and (3) should read "N/A" since no facts are presented to support the claims. In terms of safety, greater automobile use caused by the Project will lead to more opportunities for automobile mishaps and accidents that will negatively affect public health and safety. To the extent children living within the Project walk or bike to school from the Project by means of Pi'ilani Highway, the probability of accidents leading to severe injury and/or death are increased. Pi'ilani Highway is not safe for pedestrian traffic.*

**Response:** In response to comments regarding crime and criminal justice Priority Guidelines, FEIS Section IV. C. (Hawaii State Plan) has been revised to include the following language:

The Applicant has changed items 1 and 3 to "N/A" because the priority guidelines for crime and criminal justice are not applicable to the Pi'ilani Promenade project.

**SMCRG COMMENT:**

22. *State Functional Plan- Employment (p. 119)*

*Items (a), (d) and (e) should read "N/S" since there are no facts presented that employment training will be provided, or that quality of life will be enhanced by the development of an unpermitted, sprawling, regional retail shopping center that will offer entry level, dead-end retail jobs.*

**Response:** In response to comments regarding Employment, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

The Applicant has changed items a and e to "N/A". The Pi'ilani Promenade project supports item d by providing the opportunity to help improve the quality of life for employees and their families by providing affordable rental housing opportunities that are proximate to local services and centers of employment.

The proposed development of the Pi'ilani Promenade is in response to the needs of industrial users and other entrepreneurs, both large and small, who are seeking to open and/or expand businesses on Maui. This can be accomplished by creating greater flexibility in site planning and building design to help reduce operational costs for employers and provide employees with a good working environment.

The Pi'ilani Promenade will help improve the quality of life for employees and their families by providing affordable rental housing opportunities that are proximate to local services and centers of employment.

**SMCRG COMMENT:**

23. *State Functional Plan- Energy (p. 119)*

*Items (a) and (b) should read "N/S" because the Project is a perfect example of unsustainable development requiring increased automobile traffic due to its location, particularly when the community plan calls for concentration of retail and commercial services in four distinct areas makai of the Pi'ilani Highway - where the population resides and elementary schools and the middle school are located. With this Project, every trip will involve a car.*

*Item (d) should read "N/A" since there are no articulated plans by the shopping center developers to launch into the business of integrated energy development and management.*

**Response:** In response to comments regarding Energy, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

Items a and b are supported by the Piilani Promenade project. The Pi'ilani Promenade will include conservation measures to encourage the use of energy-efficient technology throughout the project, specifically in areas involving lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development. Occupants of the Pi'ilani Promenade will be encouraged to install Photovoltaic Energy Systems where appropriate and feasible. The Applicant has changed item d to "N/A" because the Applicant is not proposing to support and develop energy development and management as part of the project.

As discussed in Section III.D.5 "Electrical," the Pi'ilani Promenade will include conservation measures to encourage the use of energy-efficient technology throughout the project, specifically in areas involving lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development. Occupants of the Pi'ilani Promenade will be encouraged to install Photovoltaic Energy Systems where appropriate and feasible.

**SMCRG COMMENT:**

*24. State Functional Plans – Health (p. 120)*

*Item 1. Should read "N/S" since the project is not walk-able or bike-able and is a perfect example of 1960s urban sprawl that has made America obese, diabetic and sick. Getting to and from the Project will necessarily entail an automobile trip and not walking and biking. This is exactly what credible planners and health professionals rail against So to claim that somehow the Project will promote health and disease prevention is absurd in the extreme.*

**Response:** In response to comments regarding Health, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

Analysis: As previously mentioned, the Project will include bicycle and pedestrian pathways as illustrated in the circulation plan. (See: Figure 15 Conceptual Circulation Plan). However, because the The Pi'ilani Promenade does not propose the creation of any medical or health programs, therefore, this Functional Plan is not applicable. The proposed project will provide opportunities for physicians, medical clinics, and other health care practitioners, services, and facilities to locate to the Pi'ilani Promenade and help serve the needs of the community.

**SMCRG COMMENT:**

*25. State Functional Plan- Historic Preservation (p. 121)*

*The Ka'ono'ulu area is rich in Hawaiian history, none of which will be evident in the Pi'ilani Promenade shopping center and housing Project. Rather, the petroglyph rock has been removed and some historic sites recorded, all in preparation for cultural eradication on site. There are no facts presented that the shopping center and housing will relate this history to residents and visitors. Accordingly, claims of historic preservation are without foundation and items A-G should read "N/S."*

**Response:** In response to comments regarding Historic Preservation, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

Analysis: The Project is supportive of objectives a-c, and in support thereof, the Applicant has completed an Archaeological Inventory Survey and a Cultural Impact Assessment report for the Project. Both the Archaeological Inventory Survey and Cultural Impact Assessment identify historic properties. In support of objectives b and c, the Applicant's Archaeologist is preparing a Data Recovery Plan in coordination with the DLNR SHPD recommendations for protection, management, and treatment of historic properties.

The project promotes the preservation of historic resources and the Applicant's Archaeologist submitted a data recovery plan that was received by the SHPD on June 17, 2016 and approval is pending. ~~will work with the State Historic Preservation Division to prepare a data recovery plan.~~

The Applicant has changed items d-g to "N/A" because the Applicant is not proposing to establish programs to document historical records, provide better access to historic information or enhance skills needed to preserve historical resources.

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey dated March 2014, revised August 26, 2015").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. As previously noted, the AIS was updated in 2015 and approved by SHPD in 2016. In addition to discussing potential impacts to Kulanihakoi Gulch and the return of the petroglyph boulder that was previously removed from the project site by a former land owner, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and that the petroglyph boulder be returned to the property. The Applicant has discussed the possible return of the petroglyph boulder with the former land owner; however, the former owner rejected this request since the relocation plan was approved by State Historic Preservation Division (SHPD). In addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

In response to comments regarding Historic Preservation, the FEIS Section III. A. 8. (Historical and Archaeological resources) has been revised to include the following language:

Xamanek Researches was contracted by a former landowner to conduct the 1994 AIS. That AIS, which identified 20 archaeological sites on the property, was accepted by the State Historic Preservation Division ("SHPD") by letter dated July 12, 1994.

In July 2011, Piilani Promenade engaged Scientific Consultant Services, Inc. to prepare an archaeological monitoring plan for the Piilani Promenade properties. That plan was accepted by the SHPD by letter dated August 10, 2011.

In March 2014, Piilani Promenade engaged Xamanek Researches LLC to update the July 1994 AIS.

That updated AIS was accepted by the SHPD in January 2016. The updated survey identified 19 of the original 20 archaeological sites on the property. However, two of the originally identified sites (3734 and 3739) were determined to have been destroyed/lost by post-1994 land altering activities. The updated AIS report contained the following mitigation recommendations:

- Data recovery was recommended for twelve (12) archaeological sites: 3727, 3728, 3729, 3732, 3735, 3736, 3741, 3742, 3743, 3744, 3745, and 8622. Note: the SHPD review/acceptance letter (Doc No: 1601MD08) contains a typo - it states 13 sites for data recovery (this is a simple addition error).
- No further work was recommended for six (6) archaeological sites: 3730, 3731, 3733, 3737, 3738, and 3740.

In July 2015, Piilani Promenade organized a site visit of its property for any interested members of the community. Following that site visit, two interested community members - Daniel Kanahele and Lucienne DeNaie -- recommended to SHPD that the following seven (7) archaeological sites be preserved: 3730, 3731, 3732, 3736, 3740, 3745, and 8622. In addition, Mr. Kanahele and Ms. DeNaie also identified (i) an unmarked stone near archaeological sites 3727 and 3728, and (ii) an unmarked stone on the southwest portion of the Piilani Promenade property, and recommended to SHPD that these stones also be preserved. These seven archaeological sites and two unmarked stones are hereinafter collectively referred to as the "Community Sites".

Having reviewed the revised 2015 Xamanek Report and considering the above recommendations of Mr. Kanahele and Ms. DeNaie, the SHPD accepted the updated Xamanek Researches LLC report and issued a letter dated January 6, 2016, accepting the specific mitigation recommendations contained in Xamanek's updated AIS.

Notwithstanding the above, given the concerns expressed by interested community members, Piilani Promenade has agreed - in the spirit of cooperation - to meet with Mr. Kanahele, Ms. DeNaie and Xamanek to authenticate which sites have significance and preserve the appropriate Community Sites at reasonable locations on the Piilani Promenade property. Piilani Promenade will consult with Mr. Kanahele and Ms. DeNaie to determine a reasonable and appropriate means and location of preservation of the Community Sites.

**SMCRG COMMENT:**

*26. State Functional Plan-Housing (p.122)*

*None of this applies because the targets are pegged to the year 2000.*

**Response:** In response to comments regarding Housing, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

**Analysis:** The Applicant notes that the policies are targeting the year 2000 and need to be updated to reflect a more current or future date. Notwithstanding the foregoing, the Project supports the objectives and policies of the State Functional Plan - Housing. The Pi'ilani Promenade will help satisfy

the growing demand for rental housing in Kihei by providing 226 apartment units which include affordable rental units in compliance with the County's Residential Workforce Housing Policy set forth in Chapter 2.96, MCC.

**SMCRG COMMENT:**

*27. State Functional Plans-Tourism (p. 124)*

*Item 2a should read "N/S" since the Project will present a cookie-cutter, homogenous retail shopping center to tourists. Big Box stores presumably intended to occupy space in the Project will be the same as those on the Mainland, undercutting Hawaii's brand as a special place/island paradise. Furthermore, to claim that the Project will be sensitive to neighboring communities is an unsupportable fiction since it contravenes the KMCP, zoning and law.*

**Response:** The Pi'ilani Promenade is not targeting the visitor industry and there are no hotel uses proposed as part of the project; however, restaurants and retail opportunities within the Pi'ilani Promenade may attract visitors to the site.

**SMCRG COMMENT:**

*28. State Functional Plans- Transportation (p. 125)*

*Items 1a, 1f, and 1h should read "N/S" since the Project will increase area traffic, discourage walking and biking, put pedestrians at risk of injury and death on Pi'ilani Highway and make it virtually impossible for people with disabilities to come and go except by car.*

**Response:** The Pi'ilani Promenade's non-vehicular transportation strategy includes: 1) compact and mixed-use development patterns, 2) pedestrian oriented streets integrating street trees, sidewalks, and traffic calming, 3) both striped and separated bike lanes in appropriate locations, and 4) supporting connectivity to adjacent developments, such as the Kihei High School and uses *makai* of Pi'ilani Highway.

The transportation demand and management measures proposed for the project include encouraging alternate work schedules and off-peak hours for employment generators and supporting park and ride, ridesharing, carpooling, and van pooling. In addition, the Applicant will also meet with the Maui Department of Transportation to discuss the possibility of establishing bus stops within the project site.

**SMCRG COMMENT:**

*29. State Functional Plans -Water Resources Development (p. 126)*

*Other than building a water tank on a portion of the property, none of the claims made in this section are supportable by the facts presented. The Project is located in a desert and the aquifer below it is uncertain with many other projects looking to it as a source of water. Climate Change is expected to lead to less precipitation in Hawaii, more evaporation, and greater storm events likely to lead to increased risk of flooding. Elimination of a natural gulch on the property, hardening the surface with asphalt*



*and redirecting storm water to a neighboring gulch that has led to lowland flooding in the past is hardly support for the claims made in this section. Consequently, items a-i should be answered "N/S."*

**Response:** In response to comments regarding Water Resources Development, the FEIS Section IV. D. (Hawaii State Functional Plans) has been revised to include the following language:

Analysis: The Applicant has changed items a-i to "N/A" as the Project is not responsible for maintaining or enforcing water resource development.

The proposed project will be served by the County's public water system. The Applicant will dedicate a 1.0 million gallon water tank and associated infrastructure to Maui County to be used by the project and the public.

In developing the property, Best Management Practices will be incorporated to mitigate potential impacts during the construction phase. In compliance with applicable regulatory requirements, a drainage plan has been prepared to capture and retain the incremental increase in stormwater runoff on the project site. As such, no adverse impacts to Hawaii's freshwater and estuarine environment are anticipated.

#### **SMCRG COMMENT:**

##### **MAUI COUNTYWIDE POLICY PLAN**

*1. Improve the Opportunity to Experience the Natural Beauty and Preserve Biodiversity (p. 127)*

*The best that can be said for the Project is that negative impacts to the natural beauty of the island will be mitigated. To claim that the Big Box shopping center will somehow "improve the opportunity to experience the natural beauty and native biodiversity of the islands" is ridiculous. Item (1) should read "N/S" since the Project will interfere with the view plain from the ocean to Haleakala. Obstruction of the view can be mitigated by trees and landscaping - to hide the Project - but views of Haleakala will not be made lovelier. Again, Dairy Road in Kahului is a good place to see how sprawl affects the natural beauty of Maui.*

**Response:** In response to comments regarding protecting the natural environment, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed item 1 to "N/A" because the Project site is not identified as a distinctive open space. The Pi'ilani Promenade is not located within the State's Special Management Area and no listed or endangered species of flora and fauna were identified on the property. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources as well as to mitigate fugitive dust impacts. In addition, through the environmental impact statement application process, mitigation measures will be identified to help address any environmental impacts that may arise from the proposed project.

**SMCRG COMMENT:**

*2. Improve the Quality of Environmentally Sensitive Land (p. 127)*

*Items a – i should read "N/S" since the Project will eliminate a historic gulch, redirect runoff into a neighboring gulch, cover the natural landscape with hardscape and asphalt and increase the risk of flooding in the area.*

**Response:** In response to comments regarding sensitive land, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed items a-i to "N/A" as the Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. ~~In addition, through the EIS and entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

The Project supports policy items a, b, e and f. The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch. (pg. 162 FEIS)

The Applicant has changed items c, d, g, i to "N/A" as the Project is not proposing to incorporate natural features of the land into urban design, does not utilize land conservation tools, and does not regulate the use and maintenance of stormwater treatment systems. The Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. ~~In addition, through the EIS and entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

**SMCRG COMMENT:**

*3. Improve the Stewardship of the Natural Environment (p. 128)*

*No facts support any of the claims made. Items a – d in section one and item b in section 2 should read "N/S" since the Project will impair the natural environment by creating an automobile-centric sprawling development that will result in greater use of fossil fuel, contravene explicit state and county sustainability goals and lead to greater global warming. Items e and g should read "N/A" since there are no facts presented that the Applicant will take it upon itself to become an evangelist for the "possible effects of global warming," a particularly difficult task when one's pulpit is located atop a Big Box shopping center that violates the community plan that would, if served, achieve fossil fuel use reduction through creation of walk-able, bike-able, and live-able communities in south Maui.*

**Response:** In response to comments regarding stewardship of the natural environment, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed items a and d to "N/A". Item b is not applicable to the Project, and item c is supported by the various technical studies contained in the FEIS to evaluate short term and long term impacts resulting from the Project. The Applicant has changed item b to "N/A". The implementation of government policies to improve gas emissions is not applicable to the Project. The Applicant has changed items e and g to "N/A" because the Project site does not contain sensitive ecological sites and landscapes such as wetlands or habitats for endangered species.

The Pi'ilani Promenade is not located within the State's Special Management Area and no listed or endangered species of flora and fauna were identified on the property. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources as well as to mitigate fugitive dust impacts. ~~In addition, through the EIS review process mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~

As discussed in Section III.A.3 (Natural Hazards) the development of the Pi'ilani Promenade will not increase the possibility of natural hazards such as flooding, tsunami inundation, hurricanes and earthquakes. The Pi'ilani Promenade will be constructed in compliance with County, State and Federal standards.

As discussed in Section III.A.6 (Air Quality) the Pi'ilani Promenade may create short term impacts on air quality directly and indirectly during construction, however mitigation measures will be implemented. It is anticipated that the Pi'ilani Promenade does not violate Federal or State air quality standards.

As discussed in Section III.D.65 (Electrical Utilities) the Pi'ilani Promenade will include energy-efficient design and conservation measures specifically, in lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development and installation of Photovoltaic Energy Systems will be encouraged in all areas of the Pi'ilani Promenade.

In addition, the Pi'ilani Promenade is utilizing smart growth planning techniques that will help to reduce automobile trips and associated pollution. The design will help to minimize automobile trips by providing employment, goods, services and housing within walking or biking distance of each other. The Pi'ilani Promenade has a unified pedestrian and bicycle system within the project and will provide opportunities for connections to its existing and future surrounding uses.

**SMCRG COMMENT:**

*4. Educate Residents and Visitors about Interconnectedness of the Natural Environment and People (p. 130)*

*Item c should read "N/S" since the Project will increase the use of fossil fuel and impair the environment*

**Response:** In response to comments regarding education about the interconnectedness of the natural environment, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed item c to "N/A". The promotion of government programs and incentives to improve environmental stewardship is not applicable to the Project. The Pi'ilani Promenade is not located within the State's Special Management Area and no listed or endangered species of flora and fauna were identified on the property. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution. In addition, through the EIS and entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.

As discussed in Section II.E.3 and 4 (**Proposed Action Project Description**) the Pi'ilani Promenade creates a development pattern that by its more compact and mixed-use character is less dependent on motorized transportation. The Pi'ilani Promenade also makes considerable investment into public water and roadway infrastructure. The project will include a unified pedestrian and bicycle system within the Pi'ilani Promenade with connections to its existing and future surroundings.

As discussed in Section III.D.6 **5(Utilities Electrical)** the Pi'ilani Promenade will include energy-efficient design and conservation measures. Specifically, the design guidelines will encourage the use of energy efficient technology throughout the Pi'ilani Promenade, specifically, in lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development and installation of Photovoltaic Energy Systems will be encouraged in all areas of the Pi'ilani Promenade.

**SMCRG COMMENT:**

*5. Perpetuate the Hawaiian Culture, Lifestyles and Art (p. 131)*

*All items in these two categories should read "N/S" since the plan is to remove, document and destroy all evidence of Hawaiian existence on the property. Nothing could be further from the ahupua'a concept. No evidence of an earlier Hawaiian culture will remain, unless plastic grass skirts and*

*other trinkets likely made in China are sold on site. Perhaps modern Hawaiian music will resonate throughout the shopping center to create a false sense of place.*

**Response:** In response to comments regarding Hawaii culture, lifestyle and art, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed all items to "N/A". As discussed in Section III.A. 8 (Historical and Archaeological Resources) The proposed project will not impact Kulanihakoi Gulch and is not anticipated to significantly impact the physical environment. The project promotes the preservation of historic resources and the Applicant's will work with the State Historic Preservation Division to prepare a data recovery plan. The Project archaeologist submitted a data recovery plan to the SHPD on June 17, 2016, and it is currently under review.

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing potential impacts to Kulanihakoi Gulch and the return of the petroglyph boulder that was previously removed from the project site by a former land owner, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and that the petroglyph boulder be returned to the property. The Applicant has discussed the possible return of the petroglyph boulder with the former land owner; however, the former owner rejected this request since the relocation plan was approved by State Historic Preservation Division (SHPD). In addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

As discussed in Section III.B.4 (Cultural Resources) the cultural impact statement (CIA) which was prepared for the proposed project reported that there were no visible cultural resources, (i.e. medicinal plants, shoreline resources, religious sites, or archeological resources) observed on the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or any gatherings currently taking place on the site. The oral history interviews did not reveal any known gathering places on the subject property nor did any access concerns surface as a result of the proposed Project. In light of the foregoing, it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.

**SMCRG COMMENT:**

**6. Improve Education – Develop Safe Walking and Bicycling Programs for School Children (p. 136)**

*As pointed out before, the Project lacks connective to the greater community and to schools, even the adjacent proposed Kihei High School. Pi'ilani Highway is a high-speed roadway with inadequate and dangerous shoulders that are unsuitable for foot and bike traffic. The location of housing on site*

*makes is impossible for school children to get to school safely except via motor vehicle. No walking or biking program can be successful in this context. The answer to item a. is therefore "N/S."*

**Response:** In response to comments regarding safe walking and bicycling, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis:* As discussed in Section III.C.4 (Schools) the Pi'ilani Promenade proposes residential use on a portion of the property and is adjacent to the proposed Kihei High School. The Project site is being planned to accommodate a future pedestrian connection with the proposed Kihei High School. The Project will include separated bicycle lanes along Kaonoulu Street and Pi'ilani Highway providing a critical component of overall connectivity in Kihei. As surrounding developments are constructed including the Kihei High School, the Project bike paths and sidewalks will become part of a larger non-vehicular network.

**SMCRG COMMENT:**

*7. Strengthen the Local Economy- Promote a Diversified Economic Base (p. 138) The Project is essentially a Big Box shopping center with some housing. Retail sales jobs already exist on island. The Project will not lead to any diversification of the job market and will instead produce more low paying retail sales and stocking jobs. Clearly all jobs can be rewarding in one way or another, but to cast the Project as a champion of diversification, economic vitality, and supportive of entrepreneurship is absurd. This is particularly the case when Big Box stores and other national retailers will export revenue derived from the site to home offices located on the mainland or elsewhere. This economic model actually works to impoverish communities and is a factor in the diminishment of America's middle class.*

*None of the state's economic goals will be achieved by the addition of this sprawling, mainland owned and developed, 1960s-style shopping complex. All items in this category should read "N/S."*

**Response:** In response to comments regarding promotion of a diversified economic base, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis:* The Project could support several industries. The proposed updated Project responds to the most current trends in the development of mixed use industrial and commercial centers. The Pi'ilani Promenade will strengthen Maui's economy by providing a convenient location for a mixed use project with related/supportive businesses. These industries will create a diverse range of jobs for residents, which will benefit the rest of the economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents.

As discussed in Section III.B.3 (Economy) the construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct

employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

**SMCRG COMMENT:**

**8. Improve Parks and Public Facilities (p. 140)**

*All items in this section should be answered "N/S" because the Project degrades the community's opportunity to create a walk-able and bike-able means of mobility given its isolation and singular connection to the larger community by way of a high speed highway. This does not promote physical fitness; in fact it works against it just as studies have shown. And, because the project is not a part of the larger Kihei community and can only be accessed safely by automobile, there will be diminished opportunity for social interaction and overall community health. Consequently, all items in this section should read "N/S."*

**Response:** In response to comments regarding parks and public facilities, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed item 1a to "N/A" because the Project site is not located along the shoreline and does not provide access to mountain resources.

As discussed in Section II.E. ~~3 and 4~~ **(Proposed Action Project Description)** the Pi'ilani Promenade plans to provide a 2-acre neighborhood park and a unified pedestrian and bicycle system within the property and opportunities for connections to its existing and future surroundings. The Pi'ilani Promenade is subject to the Department of Parks and Recreation Parks Assessment that requires the owner, to provide land or money in lieu of, for recreational and leisure space in the Kihei-Makena Community Plan region.

The New Urbanism design technique will provide a complete and vibrant community with employment opportunities, a range of housing types, parks and open spaces, and a bicycle and pedestrian pathways. These elements encourage future residents to interact with each other, rely less on automobiles and enjoy the outdoors.

**SMCRG COMMENT:**

**9. Diversity Transportation Options Environmentally Sustainable Transportation Systems; Reduce Reliance on the Automobile (p. 142)**

*In this day and age, an environmentally sustainable transportation system is one that is multi-modal. That is why the public policy of this state and the county is to develop "Complete Streets" and communities that are walk-able and bike-able. The Project is at odds with this strategic goal given its location, automobile-centric character and the destructive effect it is likely to have on the community plan that is designed to aggregate commercial activities in four locations makai of the highway in and near existing neighborhoods. Consequently, all items in this section should read "N/S."*

**Response:** In response to comments regarding transportation systems, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis:* As discussed in Section III.D (Infrastructure) the Pi'ilani Promenade will provide a variety of traffic-related improvements that will include improving the intersection of Pi'ilani Highway and Kaonoulu Street and constructing a segment of the future Upcountry Highway.

The Applicant has changed policy item 1b to "N/A" because the Project does not involve the relocation of roadways. Item 1.d was changed to "N/A" because the Pi'ilani Promenade is not a transportation project. Item 1.f was changed to "N/A" because the Project does not involve preservation of historic or scenic roadway corridors. Item 1.i was changed to "N/S" because the Project will require widening of Pi'ilani Highway at the intersection with the future Kihei Upcountry Highway to accommodate additional turn lanes and a new signalized intersection.

The Pi'ilani Promenade's non-vehicular transportation strategy includes: 1) compact and mixed-use development patterns, 2) pedestrian oriented streets integrating street trees, sidewalks, and traffic calming, 3) both striped and separated bike lanes in appropriate locations, and 4) supporting connectivity to adjacent developments, such as the Kihei High School and uses *makai* of Pi'ilani Highway.

The Project will include separated bicycle lanes along Kaonoulu Street and Pi'ilani Highway providing a critical component of overall connectivity in Kihei. As surrounding developments are constructed including the Kihei High School the Project bike paths and sidewalks will become part of a larger non-vehicular network.

The transportation demand and management measures proposed for the project include encouraging alternate work schedules and off-peak hours for employment generators and supporting park and ride, ridesharing, carpooling, and van pooling. In addition, the Applicant will also meet with the Maui Department of Transportation to discuss the possibility of establishing bus stops within the project site.

**SMCRG COMMENT:**

*10. Promote Energy Self-Sufficiency (p.144)*

*Automobile-centric, sprawling shopping centers increase the use of fossil fuels and there make it more difficult for Hawaii to achieve energy self-sufficiency. Consequently, items (3) a, j, k, and m should read "N/S." Items (3) d, f, h and i should read "N/A."*

**Response:** In response to comments regarding energy self-sufficiency, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis:* The Applicant has changed item f, to "N/A" because the Project is not proposing to develop public-private partnerships to increase energy efficiency.



As discussed in Section III.D.5 (Electrical) the Pi'ilani Promenade will include conservation measures to encourage the use of energy-efficient technology throughout the project, specifically in areas involving lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development. Occupants of the Pi'ilani Promenade will be encouraged to install Photovoltaic Energy Systems where appropriate and feasible.

**SMCRG COMMENT:**

*11. Direct Growth Toward Existing Infrastructure (p. 149)*

*The Project does just the opposite of this goal, in contravention of the KMCP and good planning principles. Items a – d under Policies and a and b under Implementing Actions should read "N/S."*

**Response:** The Pi'ilani Promenade is utilizing smart growth planning techniques. The design of the project will help minimize automobile trips by providing employment, goods, services and housing within walking or biking distance of each other. The design and layout of the Pi'ilani Promenade includes a pedestrian and bicycle network within the project site, as well as opportunities for future connections to areas of existing and future development. The pedestrian and bicycle system will provide future residents with an alternative to motorized transport within the Pi'ilani Promenade. The project's close proximity to Central Kihei brings residents into easy commuting distance of the region's multitude of public facility systems, including schools, police, fire, and park and recreation facilities. The Project site is also proximate to the regions, public water system, sewer system and existing State and County roadways.

**SMCRG COMMENT:**

*12. Promote Sustainable Land Use and Growth Management (p. 151)*

*Because the Project violates the LUC's 1995 order, the KMCP and zoning and because Applicant has failed and refused to pursue amendment of the KMCP and zoning appropriate for the Project, it is a poster child for unmanaged, unsustainable and ineffective land use practices. For this reason, the following items should read "N/S": section (1) b, e, h and i; section (2) e, g, h, and i; (4) a, b, and d–g.*

**Response:** In response to comments regarding land use and growth management, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis: As for objective 1, the Applicant has changed policies b and j to "N/A" because it is not the Applicant's responsibility to direct urban and rural growth to designated areas, nor dedicate land for public use.*

The proposed development is located entirely within the Maui Island Plan's Urban Growth Boundary. The Project site is located in the Maui County Light Industrial District. The proposed project is in a location that is proximate to infrastructure and public facilities and existing employment. The Project site is not located within an area that is subject to natural hazards and no critical wildlife habitats are on the property.

**SMCRG COMMENT:**

*13. Strive for Good Governance (p. 153)*

*The Project fails the good governance test given the Applicant's violation of the 1995 LUC order, noncompliance with the KMCP and zoning, and Maui County Charter and Code provisions for amendment of community plans, not to mention judicial precedent binding the County with respect to enforceability of the KMCP. The pathway taken by the developers (and the County) here has been outside the bounds of the state planning scheme and good government. The developers' behavior, and that of the County of Maui, has undermined confidence in the integrity and fairness of government, a prime example of cronyism at the expense of the people. Items (1)-(5) should read "N/S."*

**Response:** In response to comments regarding good governance, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

*Analysis:* The public participation program involved numerous participatory meetings with key stakeholders, community groups, neighboring property owners and governmental agencies at various stages of the planning process. These meetings provided opportunity for the public to ask questions and present concerns about the project prior to the submittal of the EIS and FEIS.

Further review of the proposed project will include review of this FEIS by the State Land Use Commission. These steps provide for agency and public input and comments, as well as opportunities for the public and decision makers to ask for more information to address any additional concerns that may arise.

The Pi'ilani Promenade will not directly improve government administration, programs, or plans; therefore these objectives 1-5 are not applicable "N/A". However, the Pi'ilani Project build out will have a positive impact on the Maui County economy and will contribute to increased County revenues in the form of increased property taxes, general excise taxes, and income taxes, a portion of which could be used to help fund implementation of the General Plan.

~~The Pi'ilani Promenade will not directly improve government policies and practices; therefore this objective and these policies are not applicable. However, the Pi'ilani Project build out will have a significant positive impact on the Maui County economy and will contribute to increased County revenues in the form of increased property taxes, general excise taxes, and income taxes.~~

**SMCRG COMMENT:**

**MAUI ISLAND PLAN**

*1. Economic Development- Achieve a More Diversified Economy (p. 155)*

*Retail jobs arising from the Project will not produce a more diversified economy. All items in this section should read "N/S".*

**Response:** The updated Pi'ilani Promenade plan responds to the most current trends in the development of innovation centers nationwide. After build-out the Pi'ilani Promenade will

strengthen Maui's economy and will create a diverse range of jobs for residents. This will in turn benefit the rest of the economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents.

As discussed in Section III.B.3 (Economy) the construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

The project site is located within the Maui Island Plan's Urban Growth Boundary. The Project is being prepared pursuant to smart growth and New Urbanism planning principles, with a distribution of uses that provides housing, jobs, shopping for daily needs, open space and recreation areas in close proximity to each other.

**SMCRG COMMENT:**

*2. Economic development- Support Principles of Sustainability (p. 156)*

*Retail jobs arising from this automobile-centric, disconnected development are the antithesis of sustainability. All items in this section should read "N/S."*

**Response:** In response to comments regarding sustainability, the FEIS Section IV. E.2 (Maui Island Plan) has been revised to include the following language:

The Pi'ilani Promenade supports the objective and policies to promote sustainability. The Project will strengthen Maui's economy and will create a diverse range of jobs for residents. The Applicant supports encouraging local businesses to locate within the Project, and all businesses within the Project will be encouraged to use energy efficient technology specifically in areas involving lighting, air conditioning and building materials. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires.

As discussed in Section III.D.5 (Electrical,) the Pi'ilani Promenade will include conservation measures to encourage the use of energy-efficient technology throughout the project, specifically in areas involving lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development. Occupants of the Pi'ilani Promenade will be encouraged to install Photovoltaic Energy Systems where appropriate and feasible.

**SMCRG COMMENT:**

*3. Economic Development- Emerging Sectors (p. 157)*

*Nothing in the Project will support high technology, green practices or new industries. Yes, the buildings constituting the physical structure of this automobile-centric, sprawling, unpermitted project may have some alternative energy components, but that is a far cry from the objectives outlined here that are overcome by the negatives posed to the environment and economy by the Project itself. Items 4.4.1.b and 4.4.1.c should read "N/S."*

**Response:** In response to comments regarding emerging sectors, the FEIS Section IV. E.2 (Maui Island Plan) has been revised to include the following language:

**Analysis:** The purpose of the updated Pi'ilani Promenade is to provide an opportunity for a mix of uses for greater flexibility to attract a broader range of desirable businesses with a diversified offering including emerging sectors, therefore the Project would support industries listed in Items 4.4.1.b and 4.4.1.c. It is anticipated that New Urbanism planning techniques and urban design strategies will make the Pi'ilani Promenade a more vibrant and attractive environment for businesses to locate and grow their operations. The Pi'ilani Promenade will expand Maui's employer base and increase employment and management opportunities for residents.

**SMCRG COMMENT:**

*4. Urban Land Use Issues – Human Scale and Infill (p. 159)*

*The Objective seeking a "compact, efficient, human-scale urban development pattern" will not be served by this huge, sprawling, automobile-centric, unpermitted Big Box shopping center that will dwarf human scale, deny infill and undermine the community's desire to concentrate commercial activity in four distinct commercial zones identified in the KMCP. This item should read "N/S."*

**Response:** In response to comments regarding urban land use issues, the FEIS Section IV. E.2 (Maui Island Plan) has been revised to include the following language:

**Analysis:** The Pi'ilani Promenade supports Objective 7.3.1 because the Pi'ilani Promenade mixed use design includes residential, commercial and Light Industrial uses within a single development which is expected to facilitate and support a more compact, efficient, human-scale urban development pattern. Pi'ilani Promenade is located on lands adjacent to an existing employment base with urban development and supporting infrastructure in place. The subject property has been community planned for urban development since the 1980's and is within the Maui Island Plan's Urban Growth Boundary. The Pi'ilani Promenade is being prepared pursuant to smart growth and New-Urbanism planning principles with a distribution of uses that provides housing, jobs, shopping for daily needs, open space and recreation areas in close proximity to each other. The residential area will not include gated communities; and design and appearance will be controlled by neighborhood design standards to promote environmentally friendly neighborhoods.

As discussed in this FEIS the Pi'ilani Promenade incorporates New Urbanism planning techniques and urban design strategies which help to create a settlement pattern that by its more compact and mixed-use character is less dependent on motorized transportation. This will facilitate a self-sufficient community and result in shorter commutes by offering multi-modal transportation opportunities. The project also makes considerable investment into infrastructure that supports a unified pedestrian and bicycle system within the project site. The system will connect the residential area, neighborhood park

and employment areas. The result will be a more diverse and dynamic economy with increased employment opportunities for residents. In light of the above information, the Pi'ilani Promenade supports Items 7.3.1a and 7.3.1c, 7.3.1g, and 7.3.1i. Policy item 7.3.1h has been changed to "N/A" since the Pi'ilani Promenade is not an agriculture project.

**SMCRG COMMENT:**

*The Policies seeking infill will likely be defeated by the Project. Items 7.3.1a and 7.3.1c, 7.3.1g, and 7.3.1i should read "N/S." Item 7.3.1h should read "N/A" since the Project has nothing to do with agriculture.*

**Response:** 2012 marked the adoption of Urban Growth Boundaries within the Maui Island Plan. The Project site has been designated for Urban development since 1995. The completion of the Project will represent an incremental realization of the planned urbanization of Kihei to function as an economic engine in support of Maui County.

In response to comments regarding urban land use issues, the FEIS Section IV. E.2 (Maui Island Plan) has been revised to include the following language:

*Analysis:* The Pi'ilani Promenade is strongly supportive of Objective 7.32 and its subordinate policies. Recognizing the importance of locating jobs near housing, the plan incorporates 226 rental housing units of. ~~While the proposed housing won't create a complete equilibrium of jobs housing, it will significantly alleviate the necessity for vehicular trips to and from the Pi'ilani Promenade.~~ The Pi'ilani Promenade is centrally located close to regional recreation and educational facilities that together with retail and industrial uses will complement the larger Kihei community.

As discussed in Section II.E.3 ~~and 4~~ (**Proposed Action Project Description**) the proposed project incorporates New Urbanism planning techniques and urban design strategies which help to create a settlement pattern that by its more compact and mixed-use character is less dependent on motorized transportation. These techniques and strategies will facilitate a self-sufficient community and result in shorter commutes by offering multi-modal transportation opportunities. The Plan also makes considerable investment into infrastructure that supports a unified pedestrian and bicycle system within the project site and will provide opportunities for future connectivity to its existing and future surroundings.

*Comment:* 5. Urban Land Use Issues-Self-Sufficient and Sustainable Communities (p. 160) See the discussion and definition of sprawl in the opening remarks above. The Project is classic urban sprawl. Items 7.3.2 - 7.3.2f should read "N/S."

**Response:** The Pi'ilani Promenade updated plan was prepared with community input. Numerous meetings were conducted and presentation given to community stakeholders, including the Kihei Community Association, neighboring property owners, Urban Design Review Board and State and County agencies.

In order to create a sense of place, the Applicant proposes a diversification of uses within the Park. Creating a "place", a location which people are drawn to, involves a combination of factors. Among others, these factors include diversification of land uses and creation of an attractive and welcoming

public realm. A satisfying and interesting place contains a variety of users and activities, and is friendly to people on foot. In order to create a place, the project proposes the creation of housing, retail, and open spaces to the site will add amenities for business attraction and retention and will create a true neighborhood in place of the vacant land that exists today. The combination of elements will create synergies beyond what all of these land uses would add up to as separated pods, and this added energy will drive development of employment of the Pi'ilani Promenade.

The Pi'ilani Promenade will provide open space that will be landscaped with native plants and shade trees. A core feature of the plan is a 2-acre park space adjacent to the proposed residential component of the project. Pedestrian walkways and bikeways will be landscaped and incorporated throughout the site.

**SMCRG COMMENT:**

*6. Urban Land Use Issues – Sense of Place (p. 162)*

*Big Box shopping centers create the opposite of a "sense of place." They are cookie-cutter retail establishments composed of uninspiring, boxy "architecture," and lacking in any connection to Hawaii, or anywhere else for that matter. Item 7.3.3 entitled "Strengthen the island's sense of place" should read "N/S."*

**Response:** In order to create a sense of place, the Applicant proposes a diversification of uses within the Park. Creating a "place", a location which people are drawn to, involves a combination of factors. Among others, these factors include diversification of land uses and creation of an attractive and welcoming public realm. A satisfying and interesting place contains a variety of users and activities, and is friendly to people on foot. In order to create a place, the project proposes the creation of housing, retail, and open spaces to the site will add amenities for business attraction and retention and will create a true neighborhood in place of the vacant land that exists today. The combination of elements will create synergies beyond what all of these land uses would add up to as separated pods, and this added energy will drive development of employment of the Pi'ilani Promenade.

The Pi'ilani Promenade will provide open space that will be landscaped with native plants and shade trees. A core feature of the plan is a 2-acre park space adjacent to the proposed residential component of the project. Pedestrian walkways and bikeways will be landscaped and incorporated throughout the site.

**SMCRG COMMENT:**

*7. Urban Land Use Issues- Transparency (p. 163)*

*The way the Project has been managed to date is the opposite of transparency. First, in 2005 new owners began to take development of the 88-acre parcel away from light industrial use and toward what the community accurately dubbed a "Mega Mall" complex (when it finally found out years later through a front page article in the Maui News) beyond the scale of anything like it in south Maui. The developers hid this fact from the LUC, the County and the public by failing to file four mandatory, successive annual reports. When the next two reports were filed, the owners asserted that the Project would comply with the 1995 order when nothing could be further from the truth, as evidenced by the finding by the LUC that the developers failed to develop the 88-acre parcel as*

*represented, among other violations. Simultaneously, the County of Maui failed and refused to enforce the LUC's 1995 Order as required by law. To call this transparency is akin to calling day night.*

*Items 7.3.5, and subsections a-d should read "N/S."*

**Response:** As discussed in Section IV. E.2 (Maui Island Plan) The Environmental Review process has and will continue to facilitate a great deal of community involvement in the decision making process for the proposed Pi'ilani Promenade.

**SMCRG COMMENT:**

**KIHEI-MAKENA COMMUNITY PLAN**

**1. Land Use - Objectives and Policies (p. 165)**

*Items b, f - i and k should read "N/S" since the Project defies these explicit provisions of the KMCP. Items d, e, l and p should read "N/A" since they have no bearing.*

**Response:** In response to comments regarding urban land use issues, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: The Applicant has changed items c, d and f to read "N/A". The remaining items in this section are supported by the Project.

**SMCRG COMMENT:**

**2. Land Use- Implementing Actions (p. 167)**

*Item b is explicitly violated by this project and should read "N/S" unless the LUC conditions approval of the DEIS upon construction a new elementary school in north Kihei as indicated on page 12 of the KMCP: "[T]here is a need for a third elementary school, and a high school, which would serve the Kihei-Makena region;" and at page 17: "Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development." The high school is soon to be a reality, but a new elementary school isn't on the horizon, even as multiple housing projects are approved or under development in north Kihei (A&B 650 units; Honua'ula 250; Pi'ilani Promenade 200+, etc.).*

*Other items in this section are claimed to be supported by the Project when there is, in fact, no nexus, such as items e, f, h, and c. These should read "N/A."*

**Response:** In response to comments regarding urban land use issues, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: The Applicant has changed items b, e, and f to read "N/A".

The Pi'ilani Promenade is located in North Kihei, within the Maui Island Plan's Urban Growth Boundary. The proposed project will be developed in accordance with smart growth and New Urbanism planning principles, and will encompass a distribution of land uses that provide housing, jobs, neighborhood shopping, and open space and recreation areas in close proximity to

each other (goals f and g). The project also incorporates rental housing that will provide affordable units for Maui residents.

As discussed in Section II.E. **3 and 4 (Proposed Action Project Description)**, the proposed project incorporates New Urbanism planning techniques and urban design strategies which help to create a settlement pattern that is more compact and mixed-use in character. This will facilitate a self-sufficient development and result in shorter commutes by offering multi-modal transportation opportunities. The proposed project will also make a considerable investment in infrastructure which will support a unified pedestrian and bicycle system within the project with opportunities for extending and connecting these systems to existing and future development in surrounding areas (goals b, c, and f).

As discussed in Section III.A.10 (Agricultural Resources), The LSB and ALISH classification systems indicate that the lands underlying the project site possess poor soil and low soil ratings for productive agricultural uses. As such, the utilization of these poorly-rated agricultural lands for urban use and development is deemed appropriate.

The proposed project will comply with the 60-foot maximum building height limit set forth by Chapter 19.24, MCC pertaining to M-1, Light Industrial zoning which will help minimize potential adverse impacts on mauka views toward Haleakala.

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

The Pi'ilani Promenade project follows these more recent planning guidelines, providing a mixed use that fits within the existing M-1 zoning, and provides a mix of light industrial, retail, and residential uses. Therefore an updated plan was prepared for this EIS which responds to the most current trends in the development of multi-use retail-living centers nationwide. The proposed project will strengthen Maui's economy by making the Pi'ilani Promenade a more attractive location for the limited light industrial activities envisioned within the KMCP as well as much needed retail businesses. These businesses will create a diverse range of jobs for Maui residents which, in turn, will benefit the local and Statewide economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents. Thus, while the Pi'ilani Promenade project does not strictly support all of goal k in the KMCP, it meets other important competing planning criteria within the KMCP. The



County of Maui has interpreted the Pi'ilani Promenade project as complying with the KMCP, as the KMCP provides that the goals and objectives are guidelines to the ultimate implementation of the plan. This issue, and the possible amendment of the KMCP, is discussed further in section V.D. Unresolved Issues.

**SMCRG COMMENT:**

*3. Cultural Resources (p. 172)*

*All items listed under "Goal" and "Objectives and Policies" should read "N/S" since the plan of action is to record and eradicate all evidence of the pre-existence of the Hawaiian culture on site.*

*Item a under "implementing Actions" should read "N/A" since the Applicant presents no facts to support a claim that it will prepare a Kihei Makena specific cultural resources management plan.*

**Response:** In response to comments regarding cultural resources, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: the items listed in the Objectives and Policies section are N/A because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights exercised within the Project site as documented in the CIA and SCIA prepared for the Project.

In response to comments regarding cultural resources, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: The Applicant has changed implementing action item a to read "N/A" because the project is not proposing to prepare a Kihei Makena specific cultural resources management plan.

As discussed in Section III.A. 8 (Historical and Archaeological Resources), the proposed project will not impact Kulanihako'i Gulch and is not anticipated to significantly impact the physical environment. The project promotes the preservation of historic resources and the Applicant's Archaeologist submitted a data recovery plan that was received by the SHPD on June 17, 2016 and approval is pending. will work with the State Historic Preservation Division to prepare a data recovery plan.

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. There was discussion about how the known archaeological sites could be incorporated into the design of the project and/or landscaping plan. Due to the location of sites relative to infrastructure site development requirements preservation of sites is not possible; however, data recovery has been proposed for selected sites within the project area. In previous archaeological work done on the site a petroglyph stone was identified. Under the original ranch ownership this stone was relocated to more appropriate location

in the Ahupua'a and a relocation report done, submitted and approved by SHPD for the relocation effort. It was suggested that perhaps the original landowner would be willing to relocate the stone to the property. The landowner was asked about this possibility and declined the request. In addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

As discussed in Section III.B.4 (Cultural Resources) the cultural impact statement (CIA) and the SCIA which was were prepared for the proposed project reported that there were no visible cultural resources, (i.e. medicinal plants, shoreline resources, religious sites, or archeological resources) observed on the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or any gatherings currently taking place on the site. The oral history interviews did not reveal any known gathering places on the subject property nor did any access concerns surface as a result of the proposed Project. In light of the foregoing, it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.

**SMCRG COMMENT:**

**4. Economic Activity (p. 176)**

*By ignoring the KMCP and proposing to develop a huge regional shopping center complex in scrub land on the makai side of the Pi'ilani Highway, the Project defies planned growth and the state planning scheme. Accordingly, items a and f should read "N/S." items b and d should read "N/A" since the Project will not undertake or touch either of these goals.*

**Response:** In response to comments regarding economic activity, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: The Project site is located on the mauka side of Pi'ilani Highway and supports items a and f by creating the opportunity for economic development by permitting a variety of commercial services within close proximity to the existing and proposed residential areas. The Applicant has changed items b and d to read "N/A".

As discussed in Section III.B.3 (Economy), the construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

The proposed project will incorporate New Urbanism principles in a manner that will reduce the Project's environmental impacts while creating a more livable community. The design will enhance

the physical quality of the property by providing housing and a variety of commercial facilities and services which are supported by commensurate infrastructure.

As discussed in Section III.D.-6 5(Utilities Electrical), the Pi'ilani Promenade will include energy-efficient design and energy conservation measures; specifically, in areas such as lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development and the installation of Photovoltaic Energy Systems will be encouraged where feasible and appropriate.

**SMCRG COMMENT:**

**5. Physical and Social Infrastructure (p. 180)**

*Items a - d and g should read "N/S" since the Project contravenes the KMCP. Furthermore, the Project is automobile-centric and not suitably accessed by walking or bicycle, and it would not be safe for children living in the shopping center to walk or bike to any of the schools in the region. Items b, f and i should read "N/A" since none of these things, for which the Applicant claims credit, bear any relationship to the Project.*

**Response:** In response to comments regarding physical and social infrastructure, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

*Analysis:* The Pi'ilani Promenade supports the Kihei Design Guidelines. The project's non-vehicular transportation strategy includes: 1) compact and mixed-use development patterns, 2) integrating pedestrian-oriented streets, street trees, sidewalks, and traffic calming features, 3) both striped and separated bike lanes in appropriate locations, and 4) supporting connectivity to adjacent developments including Kihei High School and land uses *makai* of Pi'ilani Highway.

The Applicant has changed items f and i to read "N/A" because the Project does not protect and preserve the traditional rural scale and character of existing portions of old Makena Road because the Project is located in Kihei. Item i has been changed to "N/A" because the Project does not involve the planning and design of the Ma'alaea-Kealia bypass highway.

**SMCRG COMMENT:**

**6. Energy and Public Utilities (p. 186)**

*Item b should read "N/S" since the Project is at odds with the KMCP that calls for co-location of commercial and retail services in close proximity to residential centers.*

**Response:** In response to comments regarding energy and public utilities, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

*Analysis:* Item b is supported by the Project. The Project site will allow Kihei residents to minimize energy expenditures for transportation by making commercial options available in Kihei, thereby relieving the need to travel to Kahului for such services. The implementation of the project will provide utilities prior to or concurrent with development. As discussed in Section III.D.-6 5(Utilities

Electrical), the Pi'ilani Promenade will include energy-efficient design and conservation measures; specifically, in street lighting, air-conditioning, and building materials. Solar hot water heaters will be utilized throughout the residential portion of the development and the installation of Photovoltaic Energy Systems will be encouraged where appropriate and feasible.

**SMCRG COMMENT:**

*7. Education (p. 193)*

*See the discussion of educational facility needs and concerns above. The DEIS gives no consideration to the need for a third elementary school in north Kihei. The existing schools have some incremental capacity, but they are located far away from and makai of the 88-acre site.*

*School needs cannot be assessed in a vacuum. While the DEIS contains an estimate of expected student growth from the Project itself, it does not take into account the cumulative effect of all the housing projects moving forward in north Kihei. For these reasons, item c should read "N/S."*

**Response:** In response to comments regarding education, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

Analysis: As discussed in Section III.C.4 (Schools), The Project has not been designed to accommodate a public school site. In 2007, the Hawaii Legislature enacted Act 245 as Section 302A, HRS, "School Impact Fees". Based upon this legislation, the DOE has enacted impact fees for residential developments that occur within identified school impact districts. The Project is within the boundaries of the Central Maui Impact District and is within the Makawao Cost Area of that district. Projects within the district and cost area pay a construction fee and either a fee-in-lieu of land or a land donation, at the DOE's discretion. The Economic Impact Assessment estimates the project's impact fee is \$535,846.00 \$553,926.00 (See: Appendix K, "Economic and Fiscal Impact Assessment"). At the appropriate time, the Applicant will contact the DOE to enter into an impact fee agreement that will help finance the construction of a school facilities in Kihei.

The Applicant had discussions with the DOE on the Project and is still designing the rental apartment portion of the Project and will enter into a written agreement with the DOE after the EIS and LUC review process has concluded.

**SMCRG COMMENT:**

*8. Government- Planning Standards (p. 193)*

*This section is worth quoting because it gets to the core of one of the key issues here: "All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan." Incredibly, the Applicant asserts that the Project supports this standard. It is the opposite. This item should read "N/S."*

**Response:** In response to comments regarding government planning standards, the FEIS Section IV. F. (Kihei-Makena Community Plan) has been revised to include the following language:

**Analysis:** Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. Since the KMCP was adopted in 1998, the proposed planning for that area as adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

The Pi'ilani Promenade project follows these more recent planning guidelines, providing a mixed use that fits within the existing M-1 zoning, and provides a mix of light industrial, retail, and residential uses. Therefore an updated plan was prepared for this FEIS which responds to the most current trends in the development of multi-use retail-living centers nationwide. The proposed project will strengthen Maui's economy by making the Pi'ilani Promenade a more attractive location for the limited light industrial activities envisioned within the KMCP as well as much needed retail businesses. These businesses will create a diverse range of jobs for Maui residents which, in turn, will benefit the local and Statewide economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents. Thus, while the Pi'ilani Promenade project does not strictly support all of goals in the KMCP, it meets other important competing planning criteria within the KMCP. The County of Maui has interpreted the Pi'ilani Promenade project as complying with the KMCP, as the KMCP provides that the goals and objectives are guidelines to the ultimate implementation of the plan. This issue, and the possible amendment of the KMCP, is discussed further in section V.D. Unresolved Issues.

**SMCRG COMMENT:**  
**COUNTY ZONING**

*The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.*

*The word "mostly" is commonly defined as "to the greatest extent." Here the Project is mostly retail and commercial and only insignificantly light industrial, if light industrial at all. In a*

*presentation to the Kihei Community Association approximately 1.5 years ago, representatives of the developer indicated the possibility that no light industrial uses may be developed on site, depending on demand, raising the specter that no light industrial uses will be developed on the parcel owned by Pi'ilani Promenade North, while there are no contemplated light industrial uses planned for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use (and therefore should be zoned for business and commercial use).*

*The proposed development is inconsistent with M-1 zoning requirements, nomenclature and logic. The concept defeats the purpose of zoning, which is to regulate, direct and control growth. Applicant would have the LUC believe that M-1 zoning is a free pass with little, or even no nexus to light industrial use of land. We have seen the results of this kind of free-for-all development on Maui: Dairy Road in Kahului, is a good example of a thoroughfare that contains many light industrial zoned parcels with little or no light industrial use, filled with various retail uses, and now the subject of a costly bypass road from the airport to Mokulele Highway since Dairy Road is both an eyesore and is commonly snarled with traffic.*

**Response:** Maui County Code Chapter 19.24 identifies the following Permitted uses, "Any use permitted in a B-1, B-2, or B-3 business district." No specific proportion of quantifiable limitation is included. The following the completion of amendments to the Project's State Land Use Designation, the proposed development will be consisted with the approvals issued by the County of Maui for other similar Light Industrial Zoned developments within the County, consistent with Maui County Code, 2.80B.030 - General plan, which states,

"B. All agencies shall comply with the general plan, and administrative actions by agencies shall conform to the general plan, except for ministerial permits or approvals including, but not limited to, building permits, grading permits, plumbing permits, and electrical permits. All community plans, zoning ordinances, and subdivision ordinances shall conform to the general plan. Preparation of County budgets and capital improvement programs shall implement the general plan to the extent practicable. The countywide policy plan, Maui island plan, and community plans authorized in this chapter are and shall be the general plan of the County, as provided by section 8-8.5 of the revised charter of the County of Maui (1983), as amended." (emphasis added)

The first iteration of MCC 2.80B.030 was adopted in 2004.

County Council Zoned the Project site in 1999 with no limitations on uses and after full discussion on the KMCP goals, objectives and policies. Based on the timing of the Project's Zoning approval, it is the Applicant's understanding that the Maui County Council Zoned the Project site Light Industrial in 1999 without condition or limitation on Commercial and Multi-Family Uses and therefore with the expectation that the full range of uses permitted by the M-1 Light Industrial District do substantively conform to the intent of the KMCP which was adopted by Council the year prior, in 1998.

In response to comments regarding county zoning, the FEIS Section IV. G. (County Zoning) has been revised to include the following language:

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

The Planning Department believes that community plans and zoning play complimentary but different roles. Community plan land use designations are intended to depict what types of land uses are envisioned during the duration of the community plan. They are intended to guide decision-making for changes in zoning, subdivisions, budgeting and capital improvements, and developments in the special management area. They do not provide, nor are they intended to be, exclusive or complete lists of land uses allowed. They do not provide specific development standards. Zoning regulates land use; zoning provides exclusive and complete lists of land uses and specific development standards.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hart', with a large, sweeping flourish extending from the end of the signature.

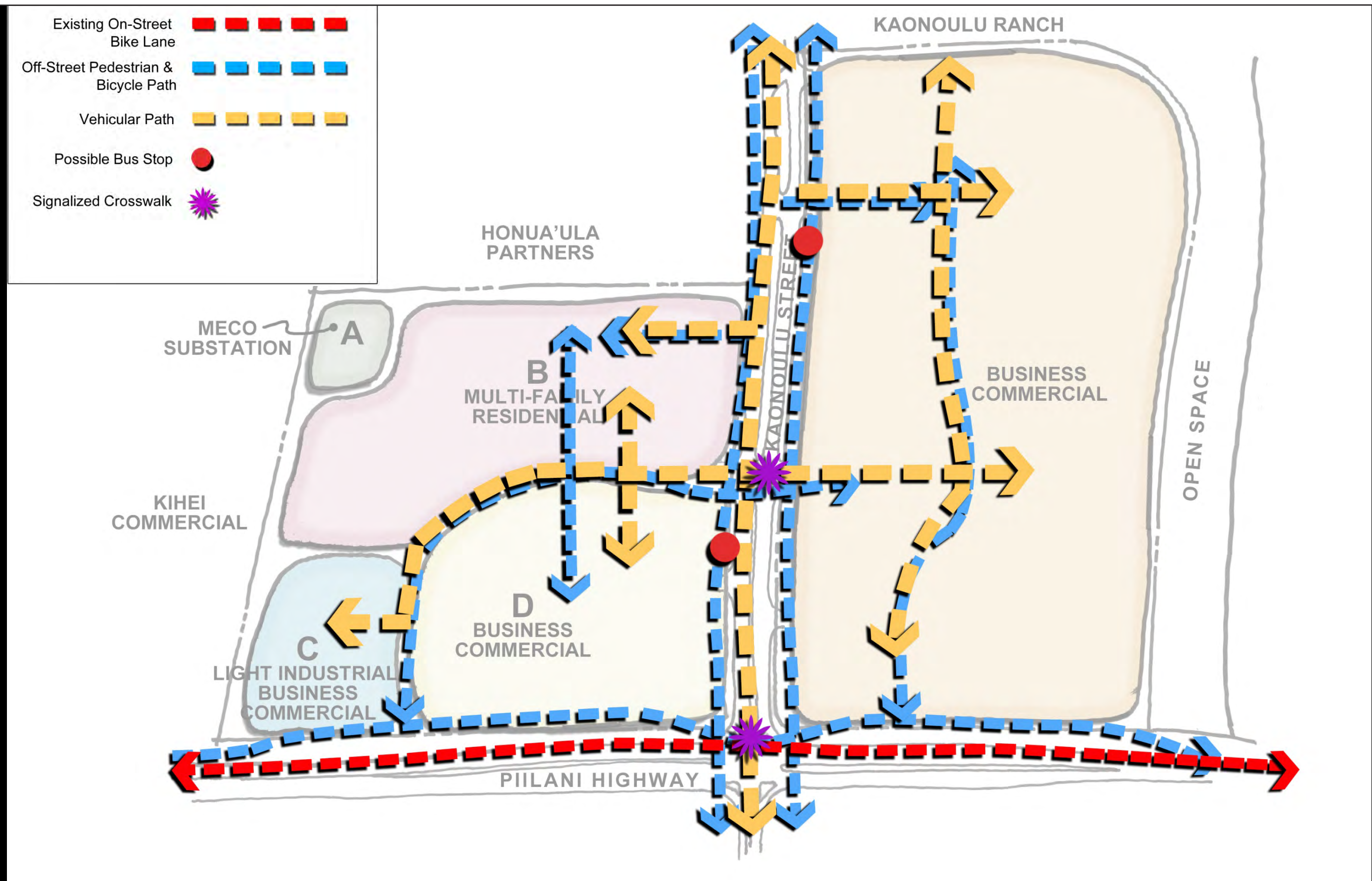
Jordan E. Hart, President

Enclosures (1)

1. Figure No. 15 Conceptual Circulation Plan

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029





# Piilani Promenade

Maui, Hawaii

**FIGURE 15**  
Conceptual Circulation Plan

Piilani Promenade

Source: Architects Orange





## Brett Davis

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**From:** Jordan Hart  
**Sent:** Wednesday, October 8, 2014 12:01 PM  
**To:** Brett Davis  
**Subject:** Fwd: Piilani Promenade ~ Draft EIS Comments

Jordan E. Hart

Attachments: ()

Chris Hart & Partners, Inc.  
115 North Market Street  
Wailuku, Maui, Hawaii  
[96793-1706](tel:96793-1706)

[www.chpmaui.com](http://www.chpmaui.com)  
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Email: [jhart@chpmaui.com](mailto:jhart@chpmaui.com)

----- Original message -----

From: Sharon Rose  
Date: 2014/10/07 12:05 (GMT-10:00)  
To: Jordan Hart  
Subject: Piilani Promenade ~ Draft EIS Comments

TO HAWAII STATE LAND USE COMMISSION  
Mr. Daniel E. Orodener – LUC Executive Officer  
Department of Business, Economic Development & Tourism  
235 South Beretania Street, Room 406 PO Box 2359  
Honolulu, Hawai'i 96804-2359

RE: Piilani Promenade – Draft-EIS Comments

### Greetings LUC Commissioners and Staff

I am a **very concerned** resident of the Kaonoulu neighborhood. I read in the Piilani Promenade EIS that the project would have no impacts on surrounding lands. **Who are they kidding? This is absolutely not true!** I hope you will not accept this assumption and I hope you will ask the applicants to do more work on this EIS.

I am concerned the EIS is not adequate because it concludes that there will be no traffic impacts after roadway “mitigations” are built. It looks like their traffic study only looks at a few of the new projects that will be bringing traffic to Piilani Hwy, rather than the big picture. **We already have a lot of traffic and traffic noise now.** Building a big shopping center and a couple hundred apartments across the street is

going to be a **huge** increase in traffic and a **huge** increase in noise. Even the EIS admits the noise on Kaonoulu street will get worse. We residents don't care whether its above or below federal noise levels. **For me and my neighbors, it's way too noisy already.** The EIS should have looked for more ways to lower noise and traffic levels. The EIS should be honest and maybe scale down the size of the project.

I am concerned because there doesn't seem to be any real alternative plans discussed for the site. The EIS claims there will be no cultural impacts because the land has no cultural value. Again, this is absolutely and categorically untrue! This area has a lot of history and there are no plans to save any historic sites, even though native Hawaiians have asked that they be protected. **I have walked this land and it is loaded with valuable sacred historic cultural sites. It is a crime against the ancestors and this sacred aina and the Hawaiian people to bulldoze these precious landmarks of cultural history for a mega mall!** I am appalled and filled with shame that these sacred cultural sites would be treated in such an inhuman way on this island of aloha. **We must ask the developers to honor this land and its people and history and culture by including aloha in their plans, setting aside the historic sites as places for all the generations to come to visit and learn from and do what is pono here. If we don't protect these lands, who will?**

The main gulch through the land is shown as filled in on the maps I have seen. This is a terrible idea. We need an EIS that shows some alternative plans. We need a plan with the gulch as part of a park with a walking path and more open spaces to absorb all the flood waters that come through and flood our streets and pollute the ocean below the Piilani Hwy. We need a plan that has a greenway through the land with historic places preserved along it.

We **already** have big flooding problems below the Piilani highway when it rains heavily in Kihei or upcountry. The EIS says all the storm water will stay on site, but if you look closer, you see that all the water that comes down through the gulch across the land will still come down. Only now it will all be concentrated into pipes that lead to other pipes and then dumped in Kulanihakoi gulch, near our neighborhood. This is a major problem.

This dirty water goes to the ocean where we take our families to swim and residents go to fish and gather seaweed. It heads right out to where the whale sanctuary headquarters is. There has to be a better plan and studies like this should be looking at the options instead of telling us all that they represent smart growth. What's so smart about issuing a report that denies there will be any problems? **Who is holding these out of control developers accountable for their actions?**

Bottom line for this area: new developments need to not only take care of their own runoff, but they need to be part of the solution to the current problem. **Please do not accept this study as complete until it looks at some real alternative plans that are a win-win-win-win-win for the land, the historical sites, the surrounding neighborhood, the Hawaiian community and the developers.**

**I thank you in advance for employing justice and right action.**

**Sincerely,**

**Sharon Rose**



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 25, 2017

Ms. Sharon Rose  
[spirit@usinternet.com](mailto:spirit@usinternet.com)  
Kihei, HI 96753

Dear Ms. Rose,

**RE:** Comments on the Draft Environmental Impact Statement for the Piilani Promenade,  
located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your email received on October 7, 2014. Below are the responses to your comments.

*Comment 1. "I am a very concerned resident of the Kaonoulu neighborhood. I read in the Piilani Promenade EIS that the project would have no impacts on surrounding lands. Who are they kidding? This is absolutely not true! I hope you will not accept this assumption and I hope you will ask the applicants to do more work on this EIS."*

*I am concerned the EIS is not adequate because it concludes that there will be no traffic impacts after roadway "mitigations" are built. It looks like their traffic study only looks at a few of the new projects that will be bringing traffic to Piilani Hwy, rather than the big picture. We already have a lot of traffic and traffic noise now. Building a big shopping center and a couple hundred apartments across the street is going to be a huge increase in traffic and a huge increase in noise. Even the EIS admits the noise on Kaonoulu street will get worse. We residents don't care whether its above or below federal noise levels. For me and my neighbors, it's way too noisy already. The EIS should have looked for more ways to lower noise and traffic levels. The EIS should be honest and maybe scale down the size of the project."*

**Response 1.** The FEIS is a disclosure of anticipated impacts and commitment to mitigation measures. The Applicant and Project team believe that with the implementation of mitigation measures the Project will not result in a significant negative impact to surrounding lands or the greater community. In response to comments regarding surrounding land uses, the FEIS Section III.A.1 (Surrounding Land Uses) has been revised to include the following language:

The Project would provide additional multi-family housing in close proximity to the planned Kihei High School. The Project is also providing land for a MECO substation and the 1.0 MG water storage tank.

As previously mentioned the lands *makai* and across the highway from the project site include Kaonoulu Estates, a mixture of single and multi-family residential development. The Pi'ilani Promenade will help achieve and sustain the County's goal of creating greater economic diversification while ensuring that housing and support services are in close proximity to jobs. The uses proposed for the Pi'ilani Promenade are compatible with other lands uses within the State Urban District.

In response to comments regarding project infrastructure improvements for traffic and who is paying for them, FEIS Section III.D.1 (Roadways) has been revised to include the following language:

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of the Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In response to comments regarding noise, the FEIS Section III.A.7 (Noise Quality) has been revised to include the following language:

The largest total increase (~~1.7~~ 2.9 to ~~2.6~~ 3.6 DNL) in Project related traffic noise level is anticipated to occur along Kaonoulu Street between Pi'ilani Highway and South Kihei Road. Non-Project traffic is expected to add 2.9 to 5.1 DNL of traffic noise to this section of Kaonoulu Street. Adverse traffic noise impacts along Kaonoulu Street are possible towards the west end of Kaonoulu Street where relatively small setback distances could result in future traffic noise levels exceeding the United States Department of Housing & Urban Development ("HUD") standard of 65 DNL by 1 DNL unit at full build out. ~~not expected to occur since existing traffic noise levels are very low, and the addition of both project plus non-project traffic is not expected to cause traffic noise to exceed 65 DNL at existing residences along Kaonoulu Street,~~ therefore The remaining majority of noise sensitive residential buildings along Kaonoulu Street have adequate setback distances such that predicted traffic noise levels at full build out should remain in the "Moderate Exposure, Normally Acceptable" category at these buildings. For these reasons, traffic noise mitigation measures ~~is~~ should not be required for the existing residences.

The project site will be designed such that rental residential uses within the project are situated located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the project site.

In response to comments regarding the scale of the project, the FEIS Section II.E. (Proposed Project Description) has been revised to include the following language:

The original Eclipse Development Plan proposed approximately 695,000 SF of retail space with approximately 3,700 parking stalls, with development concentrated in two major commercial development areas with substantial paved parking lots separating them. In contrast to the current plan, the Eclipse Development plan did not include any light industrial uses or a multi-family rental housing, pedestrian and bicycle access and a park component.

The current Pi'ilani Promenade conceptual plan responds to input from the south Maui community, as well as the market and demand for housing in Maui County. The current Pi'ilani Promenade conceptual plan includes the development of a mixed-used project consisting of approximately 530,000 square feet of retail, office, business/commercial development, 58,000 square feet light industrial space, 226 multi-family apartment units, and public/quasi-public (park, MECO substation) uses. The estimated 1,609 required parking stalls required under the current Pi'ilani Promenade conceptual plan is substantially less than the 3,700 stalls proposed by the prior Eclipse Development Plan.

*Comment 2. I am concerned because there doesn't seem to be any real alternative plans discussed for the site. The EIS claims there will be no cultural impacts because the land has no cultural value. Again, this is absolutely and categorically untrue! This area has a lot of history and there are no plans to save any historic sites, even though native Hawaiians have asked that they be protected. I have walked this land and it is loaded with valuable sacred historic cultural sites. It is a crime against the ancestors and this sacred aina and the Hawaiian people to bulldoze these precious landmarks of cultural history for a mega mall! I am appalled and filled with shame that these sacred cultural sites*

*would be treated in such an inhuman way on this island of aloha. We must ask the developers to honor this land and its people and history and culture by including aloha in their plans, setting aside the historic sites as places for all the generations to come to visit and learn from and do what is pono here. If we don't protect these lands, who will?*

**Response 2.** A series of Alternatives which meet the Project Objectives are discussed in the document. As noted in Section II.F. (Alternatives) of the FEIS, three (3) alternatives 1) no action, 2) no residential uses, and 3) alternate site were considered.

Under HAR Title 11, DOH, Chapter 200, EIS Rules, ~~Section 11-200-17(F)~~, a Draft Final EIS must contain a section discussing alternatives that could attain the project objectives, regardless of cost, in sufficient detail to explain why the specific alternative was rejected. Alternatives to the preferred Pi'ilani Promenade plan, along with reasons why each alternative was rejected, are described below.

**Pi'ilani Promenade Objectives** – Objectives of the Pi'ilani Promenade project are rooted in the desire to create a vibrant regional and sub-regional shopping experience for local residents and visitors, contribute to the Maui and State economies and by create employment opportunities. The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui's economic diversity and social fabric.

The objectives of the project are to:

- Provide much needed residential rental housing in south Maui,
- Provide greater diversity and flexibility of business/commercial space to attract both very small and large-scale employers;
- Provide light industrial space for south Maui business,
- Provide restaurants, shops and other retail services to the local residents and visitors;
- Create jobs;
- Increase tax revenue to State and County;
- Provide housing within walking distance of employment; and
- Reduce the project's energy demand through conservation and energy efficient design.

Three (3) alternatives to the Preferred Alternative (Proposed Plan) were considered. These alternatives are discussed below.

#### **No Action Alternative**

Under the no action alternative, existing entitlements would remain and the property could be developed as a 123-lot commercial and light industrial subdivision within the Petition Area. Additionally, according to the Maui Island Plan, residential and commercial land uses are predominately segregated within the Kihei-Makena Community plan region. Mixed-use neighborhoods centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern.<sup>1</sup> Under this alternative, the project would not satisfy the Maui Island Plan. The Applicant has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative.

Under the no action alternative, there would be no rental ~~workforce~~-housing, including affordable units, infrastructure improvements, on-site recreational amenities, or opportunity to provide additional commercial and office-space in advance of demand for south Maui as follows:

- ***Rental housing opportunities.*** The project will bring 226 multi-family rental units. Pricing for rental units is expected to be largely affordable for Maui Island residents in a market that is limited in supply of rental units.
- ***Opportunity to live within walking/biking distance of jobs, parks, shopping and schools.*** At build-out the Project will be located in close proximity to the future Kihei High School. The proposed residential units will be within a short 5-minute walk from on-site commercial uses and employment. The commercial uses will be easily accessible and the site will be designed to incorporate walking and bicycling connection to the existing residential neighborhood surrounding Ohukai Street. The proposed non-vehicular circulation at the proposed project site is in accordance with the goals and objectives of the Maui Island Plan.
- ***Parks and open space.*** The site plan proposes a 2 acre park and open space will be provided throughout the site between buildings including bicycle and pedestrian pathways. These areas will be accessible to the public in a manner that is not possible in the currently undeveloped condition.
- ***Infrastructure Improvements.*** Phase 1 of the proposed project will include constructing a portion of the KUH through the project area. The portion provided by the Applicant will included pedestrian and bicycle pathways separated from the roadway. In addition the project proposes constructing a 1.0 MG public water tank and providing land for a future MECO substation that will provide services to provide electricity for the project and future surrounding planned development. The access easement allows for utilities, vehicular and future bicycle and pedestrian connectivity from Ohukai Road to a point located to the

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<sup>1</sup> Maui County General Plan 2030, Directed Growth Plan, 8-27.

north of the project site. ~~In addition the project is providing an easement for future vehicular access to Ohukai Road to increase connectivity mauka of Piilani Highway.~~

- The Hallstrom Group completed an Economic Study with inventory of the Kihei Retail market and found that about ten percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along S. Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent. The economic report found that there is a lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.
- The Maui Island Plan calls for the development of thousands of residential dwelling units in Kihei planned growth areas to address future demand for housing. Associated with that growth will be the need for light industrial space for future small businesses, commercial and office space to address this future growth.

The no action alternative would also deprive the State, County and general public of the significant economic benefits associated with the Piilani Promenade, including an estimated:

- \$212 million in direct capital investment in the Maui economy during the build-out period;
- 878 "worker years" of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period;
- 1,210 permanent jobs after build-out with an annual payroll of about \$36.6 million.
- \$2.3 billion base economic impact during build-out and \$348.7 million annually upon stabilization.
- \$210.7 million in net tax revenue (profit) during development and \$26 million per year to the State of Hawaii on an annualized basis thereafter.
- \$25.9 million in net tax revenue (profit) during the build-out period and \$2.2 million in annual net tax revenue (profit) to the County of Maui after the build-out period.
- Financing and Construction of a portion of the Kihei Upcountry Highway
- Financing and Construction of a 1.0 MG water tank

Potential benefits of the no action alternative would include: 1) no short-term construction-related impacts (such as construction noise, construction equipment exhaust emissions and fugitive dust); 2) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 3) ~~no~~ less increased Piilani Highway traffic impacts as a result of the project and associated infrastructure costs; and 4) less demand upon the region's coastal and inland parks and recreation facilities. The no action alternative would not add to regional



population increases, or require any public services, such as parks and schools, to accommodate an increased population in the area.

For the following reasons, the no action alternative was rejected:

- Does not meet the objectives of the Maui Island Plan
- Would not address the current and future demand for residential, commercial, office and light industrial space needed for the future planned growth of south Maui;
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing.
- The 1.0 MG water tank and park would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUH) and improvements to the intersection of Pi'ilani Highway and Kaonoulu Street.
- Would deny the entire region of many substantive benefits that would be implemented under the plan; and
- Would not provide the State, County and general public the significant economic benefits (tax revenue) associated with the implementation of the Pi'ilani Promenade.
- Does not meet the objectives of the Pi'ilani Promenade ownership;

In summary, the benefits associated with the no action alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

#### **No Residential Uses Alternative**

An alternative to the proposed project (Preferred Alternative) could be to not allow rental residential uses in the Pi'ilani Promenade. However, this alternative would allow for the development of ~~additional~~ light industrial and business/commercial uses but eliminate and foreclose on the opportunity to develop a true mixed use project providing for housing and employment within close proximity. Under this alternative, business, retail and commercial uses, and support services, would be permitted.

Research of successful employment centers in other locations has shown that businesses and industries are attracted to locations offering a mix of uses, including commercial and residential and ~~workforce housing~~ opportunities. Rental residential development is an important component of the mixed use, complete community concept, and the Pi'ilani Promenade may not be as attractive to ~~future users or~~ investors without the rental units

~~housing options~~ proposed. Under this alternative, no affordable housing will be provided to address a critical demand for rental product on Maui or within walking and biking distance of employment, thus not utilizing "smart growth" and "neo-traditional" planning principles. With no residential component, there would be no proposed park space and there will be less construction phase employment associated with the development of the project Piilani Promenade, providing fewer economic benefits to the region and Maui at large. Additionally, there could be less long-term employment should the project Piilani Promenade be less successful than it would otherwise be with the residential component.

Potential benefits of the no residential alternative would include: 1) avoidance reduction of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 2) less minimal demand upon the region's coastal and inland parks and recreation facilities. The no residential alternative would not add to regional population increases, or require public services, such as parks and schools, to accommodate ~~an increased~~ the small increase to population in the area.

For the following reasons, the no residential uses alternative was rejected:

- Would not provide a mixed-use type project.
- Would deny the entire region of many substantive infrastructure benefits including a park that would be implemented under the preferred alternative; and
- Would not provide Maui residents with the opportunity for affordable rental housing.
- Does not meet the objectives of the ownership Piilani Promenade and Maui Island Plan;

In summary, the benefits associated with the no residential component alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

### **Alternative Site**

The final alternative considered is the Alternative Site option. This option would require that the owner/applicant find and develop another entitled property of a comparable size and location.

The positive impacts of the alternative site option are that in the short term ~~the existing project site would remain vacant and open and~~ the impacts of development will be felt in another location on Maui.

Potential benefits of the alternative site outside of Kihei including Wailea and Makena would include: 1) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal in Kihei); 2) slight reduction of future Kihei Upcountry Highway traffic impacts; and 3) less demand upon ~~the region's~~ Kihei's coastal and inland parks and recreation facilities. Depending upon location outside of south Maui, the alternative site option would not add to ~~regional~~ Kihei population increases, or require public services, such as parks and schools.

In the last few decades Kihei has become a significant urban center on the island of Maui; however a majority of businesses and retail services are located approximately 8 miles away in Kahului. Growth is planned for the Kihei area including a new high school and substantial residential development that will create need for jobs, services and retail/dining options for local residents and visitors, which the Piilani Promenade could provide. The proposed project is located centrally within Kihei to provide jobs, services and housing to the existing and future residents and visitors of Kihei. If the project was relocated the residents of Kihei would not benefit from the opportunity to stay within Kihei rather than driving to Kahului.

For the following reasons, the alternative site option was rejected:

- Demand for police, fire, electrical and water services and roadway infrastructure would not change.
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing or local commercial and dining options.
- The 1.0 MG water tank, park and MECO substation would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUHI) and improvements to the intersection of Piilani Highway and Kaonoulu Street.
- Does not meet the objectives of the ownership Piilani Promenade and Maui Island Plan;

In summary, the benefits associated with the alternative site option are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

As requested by the Land Use Commission and the Office of Planning the table below provides an estimated timeline for Entitlements and other permit approvals in order to construct the proposed project.

In response to comments regarding cultural impacts, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

The CIA reports that the proposed project will have no ~~has no~~ significant effects impact on ~~to~~ cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights exercised within the Project site, such resources --including traditional and customary native Hawaiian rights--will not be affected or impaired by the Project. Accordingly, there are no feasible actions needed to reasonably protect native Hawaiian rights. See Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000).

*Comment 3. The main gulch through the land is shown as filled in on the maps I have seen. This is a terrible idea. We need an EIS that shows some alternative plans. We need a plan with the gulch as part of a park with a walking path and more open spaces to absorb all the flood waters that come through and flood our streets and pollute the ocean below the Piilani Hwy. We need a plan that has a greenway through the land with historic places preserved along it.*

*We already have big flooding problems below the Piilani highway when it rains heavily in Kihei or upcountry. The EIS says all the storm water will stay on site, but if you look closer, you see that all the water that comes down through the gulch across the land will still come down. Only now it will all be concentrated into pipes that lead to other pipes and then dumped in Kulanihakoi gulch, near our neighborhood. This is a major problem.*

*This dirty water goes to the ocean where we take our families to swim and residents go to fish and gather seaweed. It heads right out to where the whale sanctuary headquarters is. There has to be a better plan and studies like this should be looking at the options instead of telling us all that they represent smart growth. What's so smart about issuing a report that denies there will be any problems? Who is holding these out of control developers accountable for their actions? "Bottom line for this area: new developments need to not only take care of their own runoff, but they need to be part of the solution to the current problem. Please do not accept this study as complete until it looks at some real alternative plans that are a win-win-win-win-win for the land, the historical sites, the surrounding neighborhood, the Hawaiian community and the developers."*

**Response 3.** The Applicant is conscious of flooding in the Kihei region and proposes to meet all existing requirements for floodwater mitigation. Regarding pedestrian access, the gulch running northeast to southwest through the project site (unnamed on US Geological Survey Maps, identified as Drainage Way "A" by the Draft EIS) is an inappropriate location for a greenway walking path because it does not provide adequate crossing under the highway. The drainageway is further proposed to go underground at the already approved Kenolio Apartments makai of the highway, and is currently underground at the southwest corner of the Kenolio Apartments site.

Kulanihakoi gulch is privately owned. The owner of approximately 12.7-acres of the *maikai* end of Kulanihakoi gulch has made public his interest in conveying the area to the County of Maui for the purposes of passive recreational open space and native habitat restoration. Because the land is identified as Park and Open Space in the County of Maui's Kihei Makena Community Plan, and is identified as a Secondary Off-road Connection and Gulch/Drainage in the County of Maui's South Maui Region Parks & Open Space Master Plan, the appropriate owner and maintainer of Kulanihakoi gulch is the County of Maui. The Kulanihakoi gulch is a viable location to provide a pedestrian greenway access from South Kihei Road to the Kihei High School Site.

**Response:** In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section II. E. (Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the

requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

In response to comments regarding drainage and potential flooding, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

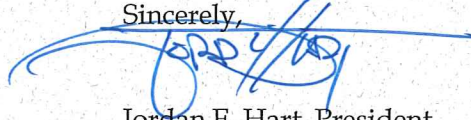
BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan E. Hart", is written over a horizontal line.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owners Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029



*Millie Shimabuku Septimo  
72 Maunaleo Place  
Wailuku, HI 96793*

October 6, 2014

The Department of Business, Economic Development & Tourism  
Land Use Commission  
P.O. Box 2359  
Honolulu, HI 96804-2359

RE: Piilani Promenade  
Kihei, Hawaii  
TMK: (2) 3-9-001:016, 170-174

Gentlemen:

I am writing to comment on the Piilani Promenade Draft EIS.

Expanded shopping and affordable housing opportunities in Kihei is something we have needed for a long time.

However, I would like more information on how the proposed uses meet current community plans, and what infrastructure is planned to meet traffic and water needs and if these costs will be incurred by the Owner of the project.

Sincerely,



Millie Shimabuku Septimo

cc: Chris Hart & Partners Inc., 115 N. Market Street, Wailuku 96793  
Piilani Promenade North LLC and Piilani Promenade South LLC, c/o Sarofim  
Realty Advisors, 8115 Preston Road, Suite 400, Dallas, Texas 75225





April 17, 2017

Ms. Millie Shimabuku Septimo  
72 Maunaleo Place  
Wailuku, HI 96793

Dear Ms. Septimo,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the  
Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated October 6, 2014. Responses to your comments are provided below.

*Comment 1. I would like more information on how the proposed uses meet current community plans, and what infrastructure is planned to meet traffic and water needs and if these costs will be incurred by the Owner of the project?*

**Response 1.**

In response to comments regarding compliance with the Kihei-Makena Community Plan, we note the discussion of compliance with the KMCP is mentioned in Section IV. E. (Kihei-Makena Community Plan) of the FEIS.

The Piilani Promenade is located within the Kihei-Makena Community Plan (KMCP) region. The KMCP was adopted by Ordinance No. 2641 on March 6, 1998. The property is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. Consistent with the Maui County long-standing application of the KMCP, the proposed projects complies with the LI designation in the KMCP.

In response to comments regarding project infrastructure improvements for traffic and who is paying for them, FEIS Section III.D.1 (Roadways) has been revised to include the following language:

**Recommended Project Mitigation Measures**

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Piilani Highway. Additionally, a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In response to comments regarding water improvements, we note the discussion of water improvements are mentioned in Section II. D. 3 (Water) of the FEIS and has been revised to include the following language.

The Pi'ilani Promenade will be served by the water system improvements that the Applicant is required to construct in order to complete the subdivision improvements for the Kaonoulu Ranch Large-Lot Subdivision No. 2.17 (See: Figure 3-2 of Appendix L, "Preliminary Engineering Report"). These improvements will consist of:

1) Relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street;

2) Constructing a new 1.0 MG capacity concrete water storage reservoir located 234 feet MSL which will be dedicated to the DWS upon completion;

- 3) Installing a 3,200 ft. long, 12-inch diameter transmission waterline from the Central Maui Water System's existing 36-inch transmission line to the new 1.0 MG storage reservoir for refilling the storage tank;
- 4) Installing a 5,500 ft. long, 16-inch diameter distribution main from the new 1.0 MG storage reservoir to and along East Kaonoulou Street which will deliver potable water for domestic use and provide fire protection for the Pi'ilani Promenade project site; and
- 5) Installing a 1,100 ft. section of a 12-inch diameter distribution main across Pi'ilani Highway to a connection point at the 18-inch diameter waterline on Kenolio Road in order to provide water circulation and link the new water system improvements to the County water distribution system serving the Kihei area.

The foregoing improvements will be installed at the expense of the Applicant.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,



Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

October 6, 2014

The Department of Business, Economic Development & Tourism  
Land Use Commission,  
P.O. Box 2359, Honolulu 96804-2359.

Dear Sir:

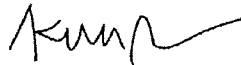
Subject: Piilani Promenade  
Kihei, Hawaii  
TMT: (2) 3-9-001:016, 170-174

I am writing to discuss the Piilani Promenade project.

I think we need more information regarding the following areas:

1. How will children cross Piilani Highway to get to the planned Kihei High School? Will the project help to develop a safe path to school for the students?
2. What steps is the project taking to create a system of connectivity between Kihei Mauka and Kihei Makai?
3. Will the plans to improve intersections lead to more traffic entering our neighborhoods? How will that be prevented?
4. With so many vacant retail stores on South Kihei Road how can the Piilani Promenade expect to survive?

Sincerely,



Kellie Pali Cruz  
256 Humupeeka Place  
Kihei, Maui, Hawaii 96753

2014 OCT - 6 P 3:26



April 25, 2017

Ms. Kellie Pali Cruz  
256 Humuopea Place  
Kihei, HI 96753

Dear Ms. Cruz,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated October 6, 2014. Responses to your comments are provided below.

*Comment 1. How will children cross Piilani Highway to get to the planned Kihei High School? Will the project help to develop a safe path to school for the students?*

**Response 1.** In response to comments regarding pedestrian movement, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

**Recommended Project Mitigation Measures**

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.

- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Piilani Highway. Additionally, a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

Furthermore, in response to comments regarding pedestrian movement, the FEIS Section V. D. 5 (Pedestrian Connection to the Kihei High School) has been revised to include the following language.

#### **5. Pedestrian Connection to the Kihei High School**

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located

within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements do more to improve the safety of the walking and bicycling public than any existing improvements located in south Maui.

*Comment 2. What steps is the project taking to create a system of connectivity between Kihei Mauka and Kihei Makai?*

**Response 2.** . In response to comments regarding pedestrian movement, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

#### Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

*Comment 3. Will the plans to improve intersections lead to more traffic entering our neighborhoods? How will that be prevented?*

**Response 3.** The proposed project improvements were planned in coordination with the Department of Transportation to mitigate traffic and it is anticipated that most individuals will use the Pi'ilani Highway and the future Kihei Upcountry Highway as the primary means of accessing the proposed Pi'ilani Promenade, therefore it is not anticipated that the proposed project will lead to more traffic entering the neighborhoods across Pi'ilani Highway.

In response to comments regarding traffic mitigation, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

**Kenolio Road and Kaonoulou Street**

The unsignalized intersection of Kenolio Street and Kaonoulou Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

**Pi'ilani Highway and Ohukai Road**

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

**Pi'ilani Highway and Piikea Avenue**

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

**Pi'ilani Highway and Kulanihakoi Street**

The signalized intersection of Pi'ilani Highway at Kulanihakoi Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.



**Pi'ilani Highway and Kaiwahine Street**

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Piilani Highway.

*Comment 4. With so many vacant retail stores on South Kihei Road how can the Piilani Promenade expect to survive.*

**Response 4.** . In response to comments regarding vacant retail, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable

sector of the market) or in uncompetitive projects or locations (such as along Lipoa Street). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

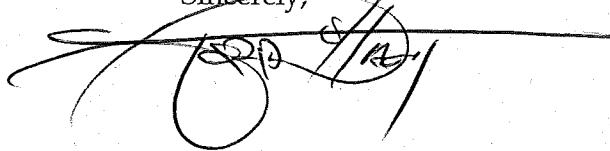
The Hallstrom Group's assessment determines that the problem is not with demand for competitive spaces in the area, but the lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hart", with a long horizontal line extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

COPY

October 6, 2014

The Department of Business, Economic Development & Tourism  
Land Use Commission  
P.O. Box 2359  
Honolulu 96804-2359

Re: Piilani Promenade Kihei, Maui, Hawaii

To whom it May Concern:

I am writing regarding the Piilani Promenade project.

While the project may expand shopping and housing opportunities in Kihei and provide good jobs, there are still questions about the project that I believe need to be addressed.

I would like more information on the commercial expansion planned for residents and what types of services will be offered in the project. How will we deal with water flowing off the project and Kihei flooding?

I am also interested in how the extra traffic will be handled and what kind of research has been done regarding Hawaiian cultural and historical artifacts.

Sincerely,



Desiree Lopes  
553 Waikala Street  
Kahului, HI 96732

cc: Chris Hart & Partners, Inc.  
Piilani Promenade North LLC and Piilani Promenade South LLC

RECEIVED

OCT - 7 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

cc: Brett 10/10/14



April 17, 2017

Ms. Desiree Lopes  
553 Waikala Street  
Kahului, HI 96732

Dear Ms. Lopes,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your email received on October 6, 2014. Below are the responses to your comments.

**Comment 1.**

*"I would like more information on the commercial expansion planned for residents and what type of services will be offered in the project?"*

**Response 1.** In response to comments regarding commercial expansion and types of services, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

**Comment 2.**

*How will we deal with water flowing off the project and Kihei flooding?*

**Response 2.** In response to comments regarding drainage and potential flooding, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

***Comment 3.***

*I am also interested in how the extra traffic will be handled and what kind of research has been done regarding Hawaiian cultural and historical artifacts.*

**Response 3.** In response to comments regarding traffic, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

**Recommended Project Mitigation Measures**

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.

- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In response to comments regarding research of historical and cultural artifacts, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Xamanek Researches was contracted by a former landowner to conduct the 1994 AIS. That AIS, which identified 20 archaeological sites on the property, was accepted by the State Historic Preservation Division ("SHPD") by letter dated July 12, 1994.

In July 2011, Piilani Promenade engaged Scientific Consultant Services, Inc. to prepare an archaeological monitoring plan for the Piilani Promenade properties. That plan was accepted by the SHPD by letter dated August 10, 2011.

In March 2014, Piilani Promenade engaged Xamanek Researches LLC to update the July 1994 AIS. That updated AIS was accepted by the SHPD in January 2016. The updated survey identified 19 of the original 20 archaeological sites on the property. However, two of the originally identified sites (3734 and 3739) were determined to have been destroyed/lost by post-1994 land altering activities. The updated AIS report contained the following mitigation recommendations:

- Data recovery was recommended for twelve (12) archaeological sites: 3727, 3728, 3729, 3732, 3735, 3736, 3741, 3742, 3743, 3744, 3745, and 8622. Note: the SHPD review/acceptance letter (Doc No: 1601MD08) contains a typo - it states 13 sites for data recovery (this is a simple addition error).
- No further work was recommended for six (6) archaeological sites: 3730, 3731, 3733, 3737, 3738, and 3740.

In July 2015, Piilani Promenade organized a site visit of its property for any interested members of the community. Following that site visit, two interested community members - Daniel Kanahele and Lucienne DeNaie -- recommended to SHPD that the following seven (7)

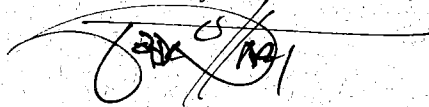
archaeological sites be preserved: 3730, 3731, 3732, 3736, 3740, 3745, and 8622. In addition, Mr. Kanahele and Ms. DeNaie also identified (i) an unmarked stone near archaeological sites 3727 and 3728, and (ii) an unmarked stone on the southwest portion of the Piilani Promenade property, and recommended to SHPD that these stones also be preserved. These seven archaeological sites and two unmarked stones are hereinafter collectively referred to as the "Community Sites".

Having reviewed the revised 2015 Xamanek Report and considering the above recommendations of Mr. Kanahele and Ms. DeNaie, the SHPD accepted the updated Xamanek Researches LLC report and issued a letter dated January 6, 2016, accepting the specific mitigation recommendations contained in Xamanek's updated AIS.

Notwithstanding the above, given the concerns expressed by interested community members, Piilani Promenade has agreed – in the spirit of cooperation – to meet with Mr. Kanahele, Ms. DeNaie and Xamanek to authenticate which sites have significance and preserve the appropriate Community Sites at reasonable locations on the Piilani Promenade property. Piilani Promenade will consult with Mr. Kanahele and Ms. DeNaie to determine a reasonable and appropriate means and location of preservation of the Community Sites.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan E. Hart', with a long horizontal flourish extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

October 10, 2014

Cementum Momentum Boxing Kihei In

Aloha Sarofim Realty Advisors:

Your business is to build malls. But Why Kihei? 30,000 people, a small beach community. We aren't large enough to handle the magnitude of the mall and all the repercussions you are proposing.

At its reduced and present size of 530,000 sq ft, the Pi'ilani Promenade Mega Mall is 5 times the size of COSTCO in Kahului. This project in its enormity will suffocate the aina, blot out the night sky, crush the backbone of small businesses, bury local economy and Island Lifestyle.

A new shopping center behind Longs and Azeka on both sides of Pi'ikea has been on the South Maui plan for years and is slated to be built with 200,000 sq ft of retail space. Most likely retail chains. This mall is within ½ mile of your proposed Mega Mall. Together this will be almost 730,000 sq ft of retail space in an area with an existing glut of empty retail spaces.

This unbridled cementum momentum of retail chains in Kahului and elsewhere is creating an even deeper glut of empty retail spaces island wide. Small businesses can't afford to stay in business as their rents are raised, and business is channeled into retail chains whose profits go off island. The youth, the next generation of creativity and passion to be entrepreneurs are being snuffed out, forced to leave the island. They have to leave island to get jobs that are meaningful, or create businesses elsewhere. These retail chains are washing away Hawaiiana, and the diversity of styles in a tsunami of homogenized look-a-likes. We can be in any city and all look the same.

This is our home, our community, our land. You don't live here. This isn't your home, neighborhood, community. Your children don't go to school here, grow up here and want to create a life for themselves. You have no connection with the land, its value and importance in our lifestyle.

How would you feel if you woke up one day, and your lovely home with a yard, had 10-story Cement buildings surrounding it, blocking out views and light, boxing you in?

You show great disrespect by imposing this "Elephant on an Ant". Cementum is the opposite of healthy growth. Cement doesn't breathe, or provide for environmental health and growth. This mall is a greed machine that only benefits you. Urbanizing nature, and the face and lifestyle of our beach community is adding a nail to the coffin of Kihei and island life.

We don't want to look like or be like Oahu or Mainland cities.

Most of us left that urban lifestyle with its cement and crowds and lack of healthy natural space. We came to Maui to breathe, to be part of an island lifestyle, to sustain its natural beauty and partner in its growth.

Maui has all the natural resources to preserve the land, create local businesses, and manufacturing. Rather than our money going out on a one-way ticket off island to corporate headquarters, we have the capacity and energy to generate on- island economy that recycles itself here.

PLEASE STOP for a moment. Take the time to REALLY SEE the natural beauty of Maui through the eyes of creation.

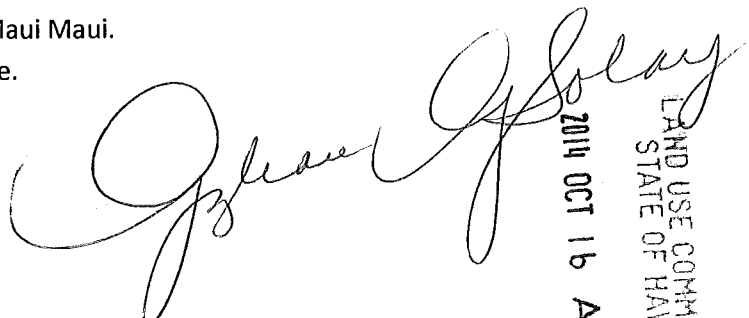
You are taking away the lure of what makes Maui Maui.

Please leave what's left of Paradise to Paradise.

I wish you well ELSEWHERE.

Gylian Solay, Kihei, Hawaii  
[Gyliansolay@gmail.com](mailto:Gyliansolay@gmail.com)

Cc: The Department of Business, Economic Development & Tourism, Land Use Commission  
Chris Hart & Partners Inc.

  
2014 OCT 16 A 7:53  
LAND USE COMMISSION  
STATE OF HAWAII





April 17, 2017

Ms. Gylian Solay  
[Gyliansolay@gmail.com](mailto:Gyliansolay@gmail.com)  
Kihei, HI 96753

Dear Ms. Solay,

RE: Comments on the Draft Environmental Impact Statement for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 10, 2014. Below are the responses to your comments.

*Comment 1. "Your business is to build malls. But Why Kihei? 30,000 people, a small beach community. We aren't large enough to handle the magnitude of the mall and all the repercussions you are proposing. At its reduced and present size of 530,000 sq ft, the Pi'ilani Promenade Mega Mall is 5 times the size of COSTCO in Kahului. This project in its enormity will suffocate the aina, blot out the night sky, crush the backbone of small businesses, bury local economy and Island Lifestyle."*

**Response 1.** In response to comments regarding commercial expansion and types of services, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of

visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

*Comment 2. "A new shopping center behind Longs and Azeka on both sides of Pi'ikea has been on the South Maui plan for years and is slated to be built with 200,000 sq ft of retail space. Most likely retail chains. This mall is within 1/2 mile of your proposed Mega Mall. Together this will be almost 730,000 sq ft of retail space in an area with an existing glut of empty retail spaces.*

*This unbridled cementum momentum of retail chains in Kahului and elsewhere is creating an even deeper glut of empty retail spaces island wide. Small businesses can't afford to stay in business as their rents are raised, and business is channeled into retail chains whose profits go off island. The youth, the next generation of creativity and passion to be entrepreneurs are being snuffed out, forced to leave the island. They have to leave island to get jobs that are meaningful, or create businesses elsewhere. These retail chains are washing away Hawaiiana, and the diversity of styles in a tsunami of homogenized look a-likes. We can be in any city and all look the same."*

*"This is our home, our community, our land. You don't live here. This isn't your home, neighborhood, community. Your children don't go to school here, grow up here and want to create a life for themselves. You have no connection with the land, its value and importance in our lifestyle.*

*How would you feel if you woke up one day, and your lovely home with a yard, had 10-story Cement buildings surrounding it, blocking out views and light, boxing you in?*

*You show great disrespect by imposing this "Elephant on an Ant". Cementum is the opposite of healthy growth. Cement doesn't breathe, or provide for environmental health and growth. This mall is a greed machine that only benefits you. Urbanizing nature, and the face and lifestyle of our beach community is adding a nail to the coffin of Kihei and island life.*

*We don't want to look like or be like Oahu or Mainland cities. Most of us left that urban lifestyle with its cement and crowds and lack of healthy natural space. We came to Maui to breathe, to be part of an island lifestyle, to sustain its natural beauty and partner in its growth.*

*Maui has all the natural resources to preserve the land, create local businesses, and manufacturing. Rather than our money going out on a one-way ticket off island to corporate headquarters, we have the capacity and energy to generate on - island economy that recycles itself here. PLEASE STOP for a moment. Take the time to REALLY SEE the natural beauty of Maui through the eyes of creation. You are taking away the lure of what makes Maui Maui. Please leave what's left of Paradise."*

**Response 2.** The Applicant acknowledges your concerns about the proposed project and has the following responses:

730,000 square feet of retail space – The proposed project will address the long term retail needs for the south Maui area through the development of regional commercial and retail opportunities in contrast to the more transient oriented retail located along south Kihei Road.

Vacant Retail Space – An evaluation of the existing transient oriented retail space located along south Kihei Road, prepared by the Hallstrom Group indicates vacancies are due to poor visibility, maintenance and a redundant mix of retail services primarily targeted at the tourist economy.

Ownership Commitment to Maui – The Applicant is not a resident of Maui, but proposes to develop a successful Project with a mix of uses that complies with all applicable regulations.

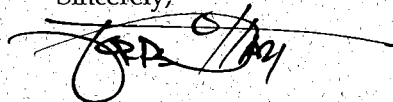
10 Story Structure – No ten story building is proposed as part of the project.

Urbanization of Maui – The Project site is community planned and zoned for Light Industrial development, which includes the uses proposed by the Project. The Project site is within the Maui Island Plan's Urban Growth Boundaries.

Financial Impact – The proposed project has been thoroughly evaluated within the Economic and financial analysis provided within the project EIS. The financial impacts of the project are projected to be positive and not a burden on either state or Maui County resources.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hart', with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owners Representative  
Mr. Daniel E. Orodénker, Executive Officer, LUC  
Project File 13-029



RECEIVED

OCT 10 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: DUT  
13/029

October 1, 2014

State of Hawaii, Land Use Commission (Approving Agency)  
Department of Business, Economic Development & Tourism  
Daniel Orodener, Executive Officer  
State of Hawaii  
P.O. Box 2359, Honolulu, Hawaii 96804-2359

Piilani Promenade North, LLC & Piilani Promenade South, LLC, c/o Sarofim Realty Advisors (Applicant)  
Robert Poyner, Vice President  
8115 Preston Road, Suite 400  
Dallas, TX 75225

✓ Chris Hart and Partners, Inc. (Consultant)  
Jordan E. Hart, President  
115 N. Market Street  
Wailuku, HI 96793

**KCA Response to the Proposed Piilani Promenade Draft Environmental Impact Statement dated August 2014**

NOTE: The owner spells Pi'ilani incorrectly in their company name (Piilani Promenade North, LLC) and in the name of the proposed project. KCA will use the owner's spelling in this document when referring to the project.

Our response includes four sections:

1. Amending the Kihei Makena Community Plan of 1998
2. Analysis of Specific Draft Environmental Impact Statement (EIS) Sections
3. Analysis of the Draft EIS Discussion of the Kihei Makena Community Plan (KMCP)
4. Conclusion

**1. Amending the Kihei Makena Community Plan of 1998**

The KCA has serious concerns about the negative environmental impacts of the proposed Piilani Promenade.

There has been a discussion about whether or not the Applicant needs to amend the Kihei Makena Community Plan of 1998 (KMCP) to change the site from Light Industrial to Business on the Land Use maps that are part of the Plan. However we believe that this amendment in itself would not bring the project into compliance with the KMCP. The Piilani Promenade is in direct conflict with the principles of the KMCP.

Although the KMCP was written and passed into law before the concepts of Smart Growth and Complete Streets, the Kihei community wisely included principles such as these in our Plan. For example page 16 of the KMCP states:

A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway.

Placing a destination commercial center and a residential complex mauka of Pi'ilani Highway as proposed in this draft EIS will increase vehicular trips on Pi'ilani Highway, directly contradicting the general theme of the Plan.

Page 17 of the KMCP says about commercial development specifically:

- h. Develop commercial services at the following locations to meet community needs:
  - 1. North Kihei between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.
  - 2. A central business and commercial center for Kihei clustered about the South Kihei Road/Road C (Pi'ikea Street) intersection.
  - 3. In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.
  - 4. Along South Kihei Road opposite the Kama'ole Beach Park.

The proposed Piilani Promenade site is not among the commercial sites approved by the KMCP. Of the approved sites, 3 and 4 have been developed, site 2 is still in the process of development, and site 1 has not been developed. This section of the KMCP would require amendment, but it is hard to justify amending the KMCP to create a fifth town center when one of the original four has not yet been developed or needed.

To bring this project into conformance with the KMCP will require not only changing the Land Use designation, but rewriting the KMCP and changing its overall theme. KCA does not recommend revising the KMCP to contradict the stated wishes of the community.

Are all these amendments that conflict with the KMCP goals justified? We do not support the amendments that would be required to bring this project into conformance.



## **2. Analysis of Specific Draft EIS Sections**

In this section we will provide comments on specific sections of the draft EIS that KCA has determined will have a negative impact on our community's environment. Gray background indicates text from the draft EIS.

## **II. PROJECT DESCRIPTION**

### **F. Alternatives**

#### **3. Alternative Site**

The final alternative considered is the Alternative Site option. This option would require that the owner/applicant find and develop another entitled property of a comparable size and location.

The positive impacts of the alternative site option are that in the short term the existing project site would remain vacant and open and the impacts of development will be felt in another location on Maui.

KCA: The large scale of the proposed 530,000 sf of commercial buildings is not in the scale of a town center but of a regional mall. Plans presented to the community in November, 2013 were consistent with a regional mall, not a town center. A regional mall is not called for in the KMCP, and is contrary to town goals for development. For a regional mall to be developed, an amendment to the KMCP calling for a regional mall would need to be added, contradicting the paragraph above from page 16, so that section would require amendment as well.

Currently South Maui has a retail inventory of 747,914 sf. Of this, 10.17% is currently available. In Kihei, Azeka Mall, Kukui Mall and Ohukai Industrial Park all have long term vacancies.

We find it significant that not mentioned in the draft EIS is the fact that an additional 336,000 sf of commercial space in Kihei is currently under construction or nearly permitted at the Shops of Wailea and the Kihei Town Center (being developed by The Krausz Companies, Inc.) on Pi'ikea Street, contiguous to site 2 mentioned above in the KMCP. These two projects will provide a 45% increase in commercial space for our town. The Kihei Town Center is planned with a street grid and small footprint buildings along the street front, creating a walkable village, which is consistent with the KMCP and a marked contrast to the Piilani Promenade plans for large footprint buildings in a mall configuration.

If the Piilani Promenade commercial space of 157,588 sf on the north side and 430,000 sf on the south side were to be built, that would increase available retail space in Kihei from the current 747,914 sf to 1,671,502 sf, **an increase of 123% in commercial space**. This is well beyond what the Kihei community of 20,881 can support.

On the other hand, Kahului is an established commercial center for the island, with mainland retailers Costco, Home Depot, Lowe's, Walmart and Kmart in the Dairy Road area. Ka'ahumanu Center hosts

Macy's and Sears. The Maui Mall has Whole Foods, with TJ Maxx under construction and Ross across the street. A new Target is under construction in the new Maui Business Park. There is plenty of space in this new park for additional national retailers. An alternate site in Kahului would be much more appropriate for the proposed Piilani Promenade.

### **III. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATION MEASURES**

#### **A. Physical Environment**

##### **2. Topography and Soils**

###### ***Existing Conditions***

The project site has an average slope of 4 percent and includes an unnamed natural drainageway (Drainageway "A") that runs in a northeast-to-southwest direction across the site before converging with the main stem of Kulanihakoi Gulch *makai* of Piilani Highway.

KCA: The second gulch on the property is not an "unnamed" gulch. It is the Ka'ono'ulu Gulch. Its name is shown as early as 1920 on maps of the region. This historic natural feature should not be minimized by calling it "unnamed."

##### **4. Hazardous Substances**

###### ***Potential Impacts and Mitigation Measures.***

The ESA found no evidence of recognized environmental conditions in connection with the property.

KCA: Because the GMO ban issue is on the ballot for the November election, the community is concerned about the impact of GMO farming and pesticides on the adjacent Monsanto land. Until an analysis of the safety of GMO farming practices is complete, it is indeterminate whether there are hazardous substances in use nearby and whether this is an appropriate location for residences.

##### **6. Air Quality**

###### ***Existing Conditions***

Except for periodic impacts from volcanic emissions (vog) and possibly occasional localized impacts from traffic congestion and local agricultural sources, the present air quality of the project area is believed to be relatively good.

KCA: This site is directly downwind of controversial cane-burning, which many Kihei citizens feel is a major pollutant and detriment to their health. While the proposed project will not contribute to this, potential residents should be made aware of the potential dangers to their health.

##### **9. Visual Resources**

###### ***Potential Impacts and Mitigation Measures***



As noted, the maximum building height within the Project will be 60 feet and buildings will be setback from Piilani Highway to maintain public views towards the summit of Haleakala from Piilani Highway.

KCA: With good reason, the KMCP calls for a maximum 35' building height in new commercial areas. It is not just summit views, but views of the flanks of Haleakala that are part of its majesty. Public views of as much of Haleakala as possible should be preserved, not, as stated above, just views of the summit. And views from other parts of Kihei should be considered, not, as stated above, just views from the Highway.

A 60' tall building located above the Pi'ilani Highway would be visible from many points in Kihei. It will exceed the maximum limit as stated in the KCPM. Commercial buildings in Kihei are limited to 35' height to maintain our view planes.

## **11. Groundwater Resources**

### *Existing Conditions*

Drinking water for the proposed project will come from the network owned and operated by the Maui Department of Water Supply (DWS). Water for the Central Maui Water System is pumped from existing groundwater wells located in upper Waiehu and North Waihee which draws groundwater from the Iao and Waihee Aquifers.

### *Potential Impacts and Mitigation Measures*

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality.

KCA: Reports show that fresh water in the existing aquifer is being depleted. While adding additional users to the system may not have immediate impact on water quality, it will increase the rate of depletion of water for all South Maui residents. This must be addressed.

## **B. Socio-Economic Environment**

### **1. Population**

#### *Potential Impacts and Mitigation Measures*

The projected population increase as a result of 226 apartment units is relatively small when compared to other proposed projects in South Maui such as the MRTTP (1,250 units); however the project will result in a small increased population which will use local streets, recreation facilities, and other public services such as schools, and fire and police protection services.

KCA: KCA agrees that there is a need for additional housing in the community, but it should be located in areas designated by the KMCP, which this is not. This is in an area cut off from the rest of the community by the highway, so that every need for service with the exception of shopping at the mall stores will require an automobile trip, encouraging obesity and illness. KCA supports smart growth which does not sacrifice the health and safety of residents.



### **3. Economy**

#### *Potential Impacts and Mitigation Measures*

After “stabilization,” the Piilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million. (See: Appendix K, “Economic and Fiscal Impact Assessment”). During the build out period, the project will generate approximately \$2.3 billion in economic activity. After completion and stabilization of the project, the onsite businesses will generate approximately \$348.7 million in revenues/sales per year.

KCA: Projected salaries for the 1,210 permanent jobs at \$36.6 million per year would be an average of \$30,248 per worker, barely a living wage for Maui. According to the Bureau of Statistics, the average wage for retail sales is \$20,500, so the estimate of \$30,248 per worker is high.

Analysis of existing building stock shows that the Safeway in Pi'ilani Village is the largest building in Kihei at 53,625 sf. Hilo Hatties is 19,230 sf, Longs Drugs is 20,000 sf, Ace Hardware is 16,900 sf, Foodland is 23,000 sf.

The proposed new 530,000 sf of commercial space for the Piilani Promenade would require 10 stores the size of Safeway to fill the proposed space or 26.5 stores the size of Longs Drugs. Local population will not support this much retail business, especially considering that the Krausz *Kihei Town Center* project will provide 300,000 sf of new commercial space before this project is started.

Development which would compromise the beauty of our view planes and the quality of our water and air and would increase traffic will have a major negative impact on our economy if it reduces the number of visitors who come to South Maui each year.

The report does not point out that the \$348.7 million in revenue per year will be primarily to mainland owned commercial businesses, so that the money spent here will not stay here. We would prefer to see smaller locally owned businesses located in small town centers, as defined in the KMCP, which keep the money circulating in the state.

#### ***Business Intelligence*** (September 16, 2014) reports

*The retail industry is undergoing a dramatic shift: E-commerce is capturing a larger share of sales than ever before. ...Hundreds of retail stores are closing.*

A chart shows the following US retail store closings: JC Penny: 33 stores by May 2014; Aeropostale: 175 stores to close between 2014 and 2019; Abercrombie & Fitch: 180 stores to close by 2015; Gap: 189 stores closed in 2012 and 2013; GameStop: 200 stores closed in 2013; Staples: 225 stores to close by the end of 2015; Barnes & Noble: 226 stores to close between 2011 and 2021.

A **Forbes** article(2/12/2014) headlined *Retail In Crisis* states

*There is a crisis in retail. During the 2013 holiday season, U. S. retailers received approximately half the holiday foot traffic they experienced just three years ago... With consumer confidence growing in leaps and bounds, the decline in foot traffic signifies a tectonic shift in the way consumers buy and shop. ...Consumers find researching and shopping on the Web far more convenient than brick-and-mortar visits.*

The draft EIS ignores this trend away from brick-and-mortar stores to online shopping when proposing to increase local retail space by 123%.

## **C. Public Services**

### **2. Medical Facilities**

KCA: This report addresses medical facilities but does not directly address Health. Preventing obesity is a National Public Health priority. Building residential areas where they are cut off from the transportation network which allows walking and biking will contribute to obesity and will increase the demand for medical facilities. This draft EIS fails to discuss these ramifications.

## **4. Schools**

**Table 2 DOE School Enrollment & Capacity**

<b>Schools</b>	<b>2013-2014 Enrollment</b>	<b>Capacity</b>	<b>2014-2015 Projected Enrollment</b>
Kihei Elementary	947	890	851
Kamalii Elementary	585	928	584
Lokelani Intermediate	550	826	525

KCA: Actual enrollment for 2014-2015 is:

Kihei Elementary : 880 (851 projected)

Kamali'i Elementary: 554 (584)

Lokelani Intermediate: 555 (525)

While these enrollment numbers appear to be below the stated capacity, many of the school buildings are outdated modular units which were meant to serve temporarily, but are now beyond their service expectations. True capacity would show that enrollment exceeds capacity.



While existing schools might accommodate students from the proposed Piilani Promenade residences, all students would require driving to get to school. None of the elementary or intermediate schools are within a reasonable walking distance. Kihei Elementary, the closest is 1.5 miles away on the highway, while Kamli'i Elementary, is 3.5 miles away on the highway. Even the new Kihei High School, on the adjacent site, will require driving because there are no plans to bridge the intervening Kulanihako'i Gulch and the highway is dangerously un-walkable. Planning residences which will increase traffic on Pi'ilani Highway is contrary to the KMCP.

#### **D. Infrastructure**

##### **1. Roadways**

A Transportation Coordinator should be designated by the developer or property manager. The Transportation Coordinator will be responsible for establishing, coordinating and managing the TMP strategies identified in the plan. The Transportation Coordinator should also document any traffic related complaints received from the surrounding community.

KCA: We find the entire traffic analysis incomplete. For example, the proposed Kenolio Apartment project is 186 units, not the 124 units quoted in this section. To disregard the impact of Houa'ula development on Piilani should not be allowed. Honua'ula will be, like the proposed Piilani Promenade residences, a residential complex which will require residents to drive for every type trip except some shopping.

The TIAR should define the current traffic conditions without the project. It should then provide a cumulative traffic projection and its impacts from the fully developed project and all the Kihei road systems both existing and proposed from the fully developed project. The traffic analysis for the fully developed project should include the traffic from all of the approved developments to date and those that would be likely in the next 20 years.

The TIAR should at least include the following approved developments: The Makena Developments (3700+/- units), Honua'ula, Wailea Resort, Maui Research and Technical Park, Kihei Downtown Center, Kihei High School, Honua'ula Affordable Housing, Kihei Mauka, Kenolio Apartments, North Kihei Housing, Kaiwahine Village, PulehuNui Industrial Area, Entitled South Maui Infill Projects, and partly entitled South Maui infill projects.

The traffic Impact Analysis should assume the complete up country highway and include the mitigations required for the improvement of the intersections of Ka'ono'ulu Street and the Pi'ilani Highway and of Ka'on'oulu Street and South Kihei Road.

Include in the TIAR the mitigation that the design of roadways within the development as well as public roads impacted by the development will meet the Hawaii State criteria for Complete Streets (providing for pedestrian and bicycle traffic in addition to motorized vehicles), the Kihei

Road Design Standards and the Green Streets criteria. While pedestrian paths are mentioned, there is no mention of bike paths thru the various parking lots. The draft EIS does not provide site plans, so it is not possible to comment on the extent or usability of the pedestrian paths. The plan as described does not comply with the state Complete Streets policy.

Analyze roadway intersections with the intent to use roundabouts and mini roundabouts in lieu of signalized and stop sign intersections to conform to with KMCP goals and implementing actions for a pedestrian oriented, walkable community.

The size of the community will not support the proposed commercial square footage, so marketing will likely be done to the whole island. This will result in commercial traffic from other areas, which is not considered in this analysis.

We find doubtful the proposal that a Traffic Coordinator will be able to resolve the problems generated by the project.

In addition to finding the traffic analysis incomplete, the increased traffic from this project is contrary to the KMCP general goal of reducing traffic on Pi'ilani Highway, as stated before.

## **2. Drainage**

### *Potential Impacts and Mitigation Measures*

Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed via underground drainlines to a new diversion ditch constructed along the project's eastern boundary where an underground drain line along the future East Kaonoulu Street will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway.

KCA: As stated by the KMCP, enclosing natural gulches in a culvert is against our community values of preserving the natural environment. A waterway left in its natural state reduces the amount of pollution that reaches the ocean, cleans and filters water for recreation and drinking, and supports the area wildlife and fisheries. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring and increases marine degradation.

Downstream from these gulches, where they cross South Kihei Road, is an area of perpetual flooding. Converting Kaonoulu Gulch to a culvert will increase flooding potential here by decreasing the amount of water that can be absorbed by the land on its downhill trip to the ocean. The two gulches on this site, Kulanihakoi and Ka'ono'ulu, are cultural and environmental resources that must be preserved, not buried.

Per the Hawaïi State Office of Planning document, "Stormwater Impact Assessments," cumulative impacts must be considered, not just conditions and impacts at the site. It states the following:



Cumulative effects on a given resource, ecosystem, or human community are rarely aligned with political or administrative boundaries. Cumulative effects on natural systems must use natural ecological boundaries. For stormwater, the natural geographic boundary is the watershed. (page 4)

Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable actions. (page 4)

Hawaii's watersheds include nearshore waters and proposed actions should account for secondary impacts to nearshore resources. (page 10)

In other words, effects of the development on the entire ahupua'a shall be considered (including nearshore waters) and these effects should include other future and concurrent development within the watershed.

### 3. Water

KCA: The proposed five improvements to the County Water System are improvements to infrastructure which will **not** increase the island's water sources. Reports show that fresh water in the existing aquifer is being depleted. Adding additional users to the system will increase the rate of depletion. This has not been addressed.

#### 3. Analysis of the Draft EIS Discussion of the Kihei Makena Community Plan (KMCP)

Section 3 of the draft EIS, (Relationship to Governmental Plans, Policies and Controls), discusses point by point the relationship of the proposed Piilani Promenade to our KMCP. The draft EIS rates each item as Supportive (S), Non-supportive (N/S) or Not Applicable (N/A). The following items are ones in which we disagree with their analysis or we find significant their failure to support the Plan. The **yellow** text is from the draft EIS KMCP discussion, followed by their proposed designation.

#### **Objectives and Policies**

f. Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles.

#### **Supportive**

KCA: As discussed previously, locating residences east of the Pi'ilani Highway will require all residents to travel by car to any destination, increasing dependence on automobiles. We dispute the Supportive designation. The correct designation should be Non-supportive.

h. Develop commercial services at the following locations to meet community needs:



- 1) North Kihei, between the existing South Kihei Road, Piilani Highway and Uwapo Road.
- 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection.
- 3) In *existing* commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.
- 4) Along South Kihei Road opposite the Kamaole beach parks.

**Not Applicable**

KCA: This is one of the key points of the KMCP and the project does not support it. We dispute the N/A designation. The correct designation should be Non-supportive. This is significant.

k. Provide for limited expansion of light industrial services in the area south of Ohukai and *mauka* of Piilani Highway, as well as limited marine-based industrial services in areas next to Maalaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.

**Supportive**

KCA: The project proposes businesses which are not accessory to or providing service to the predominate light industrial use. The correct designation should be Non-supportive.

**Implementing Actions:**

f. Establish and enforce building height limits and densities *mauka* of Piilani Highway which preserve significant *mauka* views and vistas.

**Supportive**

KCA: The project proposes 60' high buildings, which will impact Kihei's views of Haleakala. The correct designation should be Non-supportive.

**The proposed project will strengthen Maui's economy by making the Piilani Promenade a more attractive location for the limited light industrial activities envisioned within the KMCP as well as much needed retail businesses. These businesses will create a diverse range of jobs for Maui residents which, in turn, will benefit the local and Statewide economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents. Thus, while the Piilani Promenade project does not strictly support all of goals in the KMCP, it meets other important competing planning criteria within the KMCP.**

KCA: The Piilani Promenade does not meet the key goals of the KMCP and, as noted before, we dispute the idea that it will strengthen Kihei's economy. An increase of 123% commercial space is not sustainable without an equal increase in population.



### **Cultural Resources**

**Goal: Identification, preservation, enhancement, and appropriate use of cultural resources, cultural practice, and historic sites that**

a. Provides a sense of history and defines a sense of place for the Kihei Makena region; ...

#### **Supportive**

KCA: The Piilani Promenade proposes to divert an historic gulch which provides an important sense of place for the Ka'ono'ulu Ranch area. Historic petroglyphs have been removed from the site and in spite of requests to have them returned, there are no plans to do so. The correct designation should be Non-supportive.

### **Economic Activity**

**Goal: A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment.**

#### **Objectives and Policies:**

a. Establish a sustainable rate of economic development consistent with concurrent provision of needed transportation, utilities, and public facilities improvements.

#### **Supportive**

KCA: Because of its location mauka of the highway, neither transportation, utilities nor public facilities are in place to support this project. The correct designation should be Non-supportive.

b. Expand educational opportunities and encourage research and technological activities.

#### **Supportive**

KCA: This project is purely commercial. There are no educational or research and technology components to the proposed project. The correct designation should be Non-supportive.

f. Increase the availability and variety of commercial services to provide for regional needs and strategically establish small scale commercial uses within, or in close proximity to, residential areas.

#### **Supportive**

KCA: The scale of the commercial segment of the project is far greater than the scale of the residential segment. This large mall is contrary to the goals of the KMCP. The correct designation should be Non-supportive.

### **Housing and Urban Design**

#### **Objectives and Policies:**

d. Provide for integration of natural physical features with future development of the region. New development shall incorporate features such as gulches and wetlands into open space and pedestrian pathway and bikeway systems.

### **Supportive**

KCA: The draft EIS proposes to eliminate the gulches, not develop them as natural resources. There is no mention of incorporating them in transportation pathways. The correct designation should be Non-supportive.

### **Physical and Social Infrastructure**

#### **Objectives and Policies:**

##### **Transportation**

c. Strengthen the coordination of land use planning and transportation planning to promote sustainable development and to reduce dependence on automobiles. New residential communities should provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities.

### **Supportive**

KCA: This project will increase automobile use in the community. There is no evidence of connectivity between the project and surrounding developments. The correct designation should be Non-supportive.

g. Plan, design, and construct a pedestrian and bikeway network throughout the Kihei-Makena region which considers the utilization of existing stream beds, drainageways, wetlands and public rights-of-way along coastal and inland areas.

### **Supportive**

KCA: The draft EIS proposes makes no mention of bikeways. Pedestrian ways are mentioned but not documented with any site plans, so they cannot be evaluated. The correct designation should be Non-supportive.

### **Drainage**

#### **Objectives and Policies:**

b. Construct necessary drainage improvements in flood prone areas. Where replacement drainage are required for flood protection, these systems shall be designed, constructed, and maintained using structural controls and best management practices to preserve the functions of the natural system that are beneficial to water quality. These functions include infiltration, moderation of flow velocity, reduced erosion, uptake of nutrients and pollutants by plants, filtering, and settlement of sediment particles. The use of landscaped swales and unlined channels shall be urged.

### **Supportive**

KCA: The draft EIS proposes to increase flooding by replacing a natural gulch with a culvert, the opposite of what this point is trying to encourage. As noted in previous comments, a project such as this needs to take a more pro-active stance in reducing downstream waters per the Hawaii State Office of Planning "Stormwater Impacts Assessment Document. The correct designation should be Non-supportive.



d. Minimize the increase in discharge of storm water runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.

**Supportive**

KCA: The draft EIS proposes to discourage infiltration by moving the natural gulch into a concrete culvert, which will prohibit infiltration of runoff. The correct designation should be Non-supportive.

**C. Planning Standards**

**Land Use Standards**

a. All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan.

**Supportive**

KCA: As stated in Section 1 of our response, the Applicant has discussed amending the KMCP Land Use Map. If amended, then this could be changed to Supportive, but as it stands, the correct designation should be Non-supportive.

e. Encourage the use of setbacks and flood protection areas as part of an open space pedestrian-way and bikeway network throughout the region.

**Supportive**

KCA: The draft EIS does not mention a bikeway. The correct designation should be Non-supportive.

**C. Planning Standards**

**Land Use Standards: S N/S N/A**

a. All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan.

**Supportive**

KCA: The residential and business uses proposed are not consistent with the Light Industrial designation shown on the KMCP map. The correct designation should be Non-supportive.

**Urban Design Standards:**

*a. Building Form*

- 1) Establish a maximum of thirty-five (35) feet in building height for new commercial facilities.
- 2) Establish a maximum of forty-five (45) feet for multi-family development.
- 3) Limit resort development throughout the region to thirty-five (35) feet in building height for sites near the shoreline. Building height limits may gradually be increased up to seventy-five (75) feet for inland resort development provided that important *mauka/makai* vistas are maintained, and impacts to coastal resources are minimized. Resort community planning and design shall integrate recreational amenities with adequate shoreline setback and public shoreline access provisions.
- 4) Limit the height of industrial buildings to thirty-five (35) feet. Within large industrial tracts, separate industrial design guidelines should be formulated to guide development. Such guidelines shall, among

other issues, address landscaping and building design to achieve design continuity for the overall industrial development area.

**Supportive**

KCA: The draft EIS proposes a 60' maximum height, contrary to the KMCP maximum of 35'. The correct designation should be Non-supportive.

4. Conclusion

KCA has observed the Krausz developers using the KMCP from the very start of their project as a guideline to minimize environmental impact. The Kihei Town Center being developed by Krausz will provide for our future retail needs without degrading the environment and even by enhancing the environment.

KCA would like to make clear that the Piilani Promenade project is contrary to our KMCP in significant ways. It appears that either the applicant was not aware of the KMCP or chose to ignore it. The KMCP is a legal document created by the community to guide development in the community. By circumventing the wishes of the community, which are spelled out clearly in the legal document of the KMCP, the Piilani Promenade, as proposed, will be detrimental to our natural, cultural, and economic environment, upon which our island economy is based.

Aloha,



Mike Moran  
President, KCA



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

Mr. Mike Moran, President  
Kihei Community Association  
P.O. Box 662  
Kihei, HI 96753

Dear Mr. Moran,

RE: Comments on the Draft Environmental Impact Statement for the Pi'ilani Promenade,  
located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your comment letter of October 1, 2014. Below are the responses to your comments.

**KCA COMMENT:**

*NOTE: The owner spells Pi'ilani incorrectly in their company name (Pi'ilani Promenade North, LLC) and in the name of the proposed project. KCA will use the owner's spelling in this document when referring to the project.*

**Response:** Thank you for highlighting this spelling error. The Applicant has changed the spelling of Pi'ilani in various sections of the FEIS.

**KCA COMMENT:**

**1. Amending the Kihei Makena Community Plan of 1998**

*The KCA has serious concerns about the negative environmental impacts of the proposed Pi'ilani Promenade.*

*There has been a discussion about whether or not the Applicant needs to amend the Kihei Makena Community Plan of 1998 (KMCP) to change the site from Light Industrial to Business on the Land Use maps that are part of the Plan. However we believe that this amendment in itself would not bring the project into compliance with the KMCP. The Pi'ilani Promenade is in direct conflict with the principles of the KMCP.*

*Although the KMCP was written and passed into law before the concepts of Smart Growth and Complete Streets, the Kihei community wisely included principles such as these in our Plan. For example page 16 of the KMCP states:*

*A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway.*



*Placing a destination commercial center and a residential complex mauka of Pi'ilani Highway as proposed in this draft EIS will increase vehicular trips on Pi'ilani Highway, directly contradicting the general theme of the Plan.*

*Page 17 of the KMCP says about commercial development specifically:*

- h. Develop commercial services at the following locations to meet community needs:*
- 1. North Kihei between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.*
  - 2. A central business and commercial center for Kihei clustered about the South Kihei Road/Road C (Pi'ikea Street) intersection.*
  - 3. In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.*
  - 4. Along South Kihei Road opposite the Kama'ole Beach Park.*

*The proposed Pi'ilani Promenade site is not among the commercial sites approved by the KMCP. Of the approved sites, 3 and 4 have been developed, site 2 is still in the process of development, and site 1 has not been developed. This section of the KMCP would require amendment, but it is hard to justify amending the KMCP to create a fifth town center when one of the original four has not yet been developed or needed.*

*To bring this project into conformance with the KMCP will require not only changing the Land Use designation, but rewriting the KMCP and changing its overall theme. KCA does not recommend revising the KMCP to contradict the stated wishes of the community.*

*Are all these amendments that conflict with the KMCP goals justified? We do not support the amendments that would be required to bring this project into conformance.*

**Response.** In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:

## **2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas

should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

**KCA COMMENT:**

*2. The large scale of the proposed 530,000 sf of commercial buildings is not in the scale of a town center but of a regional mall. Plans presented to the community in November, 2013 were consistent with a regional mall, not a town center. A regional mall is not called for in the KMCP, and is contrary to town goals for development. For a regional mall to be developed, an amendment to the KMCP calling for a regional mall would need to be added, contradicting the paragraph above from page 16, so that section would require amendment as well.*

*Currently South Maui has a retail inventory of 747,914 sf. Of this, 10.17% is currently available. In Kihei, Azeka Mall, Kukui Mall and Ohukai Industrial Park all have long term vacancies.*

*We find it significant that not mentioned in the draft EIS is the fact that an additional 336,000 sf of commercial space in Kihei is currently under construction or nearly permitted at the Shops of Wailea and the Kihei Town Center (being developed by The Krausz Companies, Inc.) on Pi'ikea Street, contiguous to site 2 mentioned above in the KMCP. These two projects will provide a 45% increase in commercial space for our town. The Kihei Town Center is*

*planned with a street grid and small footprint buildings along the street front, creating a walkable village, which is consistent with the KMCP and a marked contrast to the Pi'ilani Promenade plans for large footprint buildings in a mall configuration.*

*If the Pi'ilani Promenade commercial space of 157,588 sf on the north side and 430,000 sf on the south side were to be built, that would increase available retail space in Kihei from the current 747,914 sf to 1,671,502 sf, an increase of 123% in commercial space. This is well beyond what the Kihei community of 20,881 can support.*

*On the other hand, Kahului is an established commercial center for the island, with mainland retailers Costco, Home Depot, Lowe's, Walmart and Kmart in the Dairy Road area. Ka'ahumanu Center hosts Macy's and Sears. The Maui Mall has Whole Foods, with TJ Maxx under construction and Ross across the street. A new Target is under construction in the new Maui Business Park. There is plenty of space in this new park for additional national retailers. An alternate site in Kahului would be much more appropriate for the proposed Pi'ilani Promenade.*

**Response 2.** The KMCP notes, in the section on Economic Activity that a Goal is A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment. In the Objectives and Policies, "f. Increase the availability and variety of commercial services to provide for regional needs and strategically establish small scale commercial uses within, or in close proximity to, residential areas."

It is the Applicant's position that the proposed Project will provide for the regional needs of Kihei, Wailea and Makena. When the Kihei Upcountry Highway is completed, the Project will be situated to serve the Upcountry community on visits to Kihei.

With regard to the Shops at Wailea; the center's location within the Resort Destination Area of Wailea, emphasis on luxury and catering directly to the visitor industry differentiate it from the proposed project.

In the context of walkability and design, the Project is currently in the process of assessing Environmental Impacts and Mitigation Measures for the amendment to the existing District Boundary Designation. Within the Final EIS, Applicant has committed to coordinating with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

With regard to mainland retailers, the Applicant is not aware of a restriction or limitation within the KMCP on the development or operation of commercial enterprises owned and operated by individuals or corporations based in the mainland United States or elsewhere.

In response to comments regarding the available commercial area in Kihei, the FEIS Section III. B. 3 (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of



the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

**KCA COMMENT:**

*3. The second gulch on the property is not an "unnamed" gulch. It is the Ka'ono'ulu Gulch. Its name is shown as early as 1920 on maps of the region. This historic natural feature should not be minimized by calling it "unnamed."*

**Response 3.** With regard to the identification of the Gulch in question, we have done our best to verify its official name. We have not received our encountered in our own research alternate information sources that provide a specific name, or contradict the location of Ka'ono'ulu Gulch as identified in the United States Geological Survey (USGS) maps. The USGS maps are the oldest and most reputable source we have identified to date. Separately, Hawaii Administrative Rules (HAR) 11-200-17(e)(1), "Content requirements; draft environmental impact statements" identifies USGS Topographic maps as a preferred map source. For these reasons CH&P will refer to the Gulch in question as Drainageway "A". We are open to reviewing any documentation KCA has on this subject.

In response to comments regarding the available commercial area in Kihei, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

**KCA COMMENT:**

*4. Because the GMO ban issue is on the ballot for the November election, the community is concerned about the impact of GMO farming and pesticides on the adjacent Monsanto land. Until an analysis of the safety of GMO farming practices is complete, it is indeterminate whether there are hazardous substances in use nearby and whether this is an appropriate location for residences.*

**Response 4.** Any disclosures and or information for residents and or occupants regarding Agricultural Practices which may be required at the time of occupancy will be provided. As noted, the FEIS Section III. A. 4 (Hazardous Substances), The ESA stated that there was no evidence of historic or current significant misuse of hazardous or regulated substances and or petroleum products on the subject property (See: Appendix B, "Environmental Site Assessment").

As noted, the FEIS Section III. A. 4 (Hazardous Substances) has been revised to include the following language:

Under ASTM standards, a Phase I Environmental Site Assessment may be considered out of date if not conducted within the prior 180 days. As a result the Applicant requested an update of the ESA. A site visit was conducted by MEV on January 13,

2017, and MEV determined that nothing came to their attention that would cause them to change any matter or opinion set forth in the ESA. Accordingly, MEV issued the Environmental Site Assessment update letter. (See: Appendix B-1, "Environmental Site Assessment update letter dated January 18, 2017").

**KCA COMMENT:**

*5. KCA: This site is directly downwind of controversial cane-burning, which many Kihei citizens feel is a major pollutant and detriment to their health. While the proposed project will not contribute to this potential residents should be made aware of the potential dangers to their health.*

**Response 5.** The practice of cane-burning ended in December 2016, prior to the publication of this FEIS.

**KCA COMMENT:**

*6. With good reason, the KMCP calls for a maximum 35' building height in new commercial areas. It is not just summit views, but views of the flanks of Haleakala that are part of its majesty. Public views of as much of Haleakala as possible should be preserved, not, as stated above, just views of the summit. And views from other parts of Kihei should be considered, not, as stated above, just views from the Highway. A 60' tall building located above the Pi'ilani Highway would be visible from many points in Kihei. It will exceed the maximum limit as stated in the KCPM. Commercial buildings in Kihei are limited to 35' height to maintain our view planes.*

**Response 6.** In response to comments regarding the available commercial area in Kihei, the FEIS Section III. A. 9 (Visual Resources) has been revised to include the following language:

The Project will include light industrial, business, commercial, and residential apartment structures. As shown in the approved Landscape Plan for the Project, a significant element of the landscape program is the inclusion of a 30-foot landscaping easement located adjacent to the Pi'ilani Highway. The landscaping easement will be planted with monkeypod trees, which when mature are expected to significantly buffer the transition between the Pi'ilani Highway and the Project, and to define the views from Pi'ilani Highway into the Project. (See: Figure 17A "Landscape Rendering").

A view analysis was prepared by Architects Orange and depicts 4 views from Pi'ilani Highway looking across the Project site towards Haleakala. (See: Figure 16 "View Analysis"). The view analysis used the following methodology:

1. Photographs used in the analysis are approximately 5 feet 8 inches above street level on the makai side of Pi'ilani Highway, across from the Project site.
2. The estimated future finish grade is based upon preliminary calculations made by the Project civil engineer, Warren S. Unemori Engineering, Inc.
3. The assumed 60-foot building height is based on the current County zoning code,

which permits for 60-foot maximum building heights in an M-1 Zoning district. These 60-foot buildings will be set back 500 feet from the Project site boundary along Pi'ilani Highway.

4. The estimated 30-foot building height is based upon the height of mid-sized commercial buildings that may be built through-out the Project site.

As shown in the view analysis, the maximum allowable building height does not impact the public view of Pu'u o Kali or the summit of Haleakala. The extension of Kaonoulu Road will provide views towards Pu'u o Kali and the summit of Haleakala, but is not considered a major view corridor.

The proposed apartments will be a maximum of three (3) stories tall, up to a maximum allowable height of 60 feet provided for in the M-1 zoning district. The light industrial and commercial buildings are permitted to have a maximum height of 60 feet, however, the estimated height of future buildings is unknown at this time.

The Applicant is proposing to develop the Project with the following development standards as mitigation measures to limit the impacts to visual resources.

1. Any buildings at the maximum height allowed by the then-current County zoning code will be set back at least 500 feet from the Project site boundary along Pi'ilani Highway.
2. Any building above 30 feet in height will be set back at least 100 feet from the western boundary of the Project site.
3. The cumulative linear frontage of buildings built within the 100 foot set back from the western boundary of the Project site will not exceed 35% of the total frontage of the western boundary of the Project site.

The proposed project will transform the character of the site from ~~its existing large lot-only approved design~~ vacant land to a mixed-used development consisting of retail, office, business/commercial, light industrial, multi-family (226 apartment units), and public/quasi-public (park, MECO substation) uses, ~~as well as~~ with pedestrian and bicycle networks, ~~an approximately 2-acre park and landscape plantings.~~ The project will set forth building height limits and setbacks in order to help maintain views towards the summit of Haleakala and the Pacific Ocean. In addition the open space areas incorporated into the Pi'ilani Promenade will provide view corridors in between buildings toward the Pacific Ocean and Haleakala.

With regard to design, the proposed project will positively complement the architectural character of the adjacent concrete tilt up light industrial structures to the north of the Project area. ~~complement the high quality architectural character as other developed properties in the area.~~ The Pi'ilani Promenade will be ~~is being~~ designed to control the density, architectural design, and variation of all buildings in the project without sacrificing views or the aesthetic character of the proposed project. As noted, the maximum building height within the Project will be 60 feet and buildings will be setback from Pi'ilani Highway to maintain public views towards the summit of

Haleakala from Pi'ilani Highway. Overall urban design of the project will position buildings fronting landscaped roadways to screen the massing of the buildings.

All buildings within the Pi'ilani Promenade will be designed in accordance with the applicable Maui County building code standards.

In response to comments, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

**KCA COMMENT:**

*7. Reports show that fresh water in the existing aquifer is being depleted. While adding additional users to the system may not have immediate impact on water quality, it will increase the rate of depletion of water for all South Maui residents. This must be addressed.*

**Response 7.** In response to comments regarding the existing aquifer the FEIS Section III. A. 11. (Groundwater Resources) has been revised as follows:

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Pi'ilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Pi'ilani Promenade's use of the Iao Aquifer System for drinking water.

**KCA COMMENT:**

*8. KCA agrees that there is a need for additional housing in the community, but it should be located in areas designated by the KMCP, which this is not. This is in an area cut off from the rest of the community by the highway, so that every need for service with the exception of*

*shopping at the mall stores will require an automobile trip, encouraging obesity and illness. KCA supports smart growth which does not sacrifice the health and safety of residents.*

**Response 8.** Several residential neighborhoods exist in Kihei Mauka of the Pi'ilani Highway. Several more are likely to be developed with the Maui Island Plan's Urban Growth Boundary's mauka of the Highway. The Project proposes a 2-acre park, pedestrian and bicycle connections to the north and west and has offered to assist the State DOT in the design of a pedestrian and bicycle crossing for Kulanihakoi Gulch within the highway right of way, outside of the roadway area to the south. Additionally, a broad range of services are permitted within the M-1 Light Industrial District.

In response to comments regarding the KMCP, FEIS Section V. D. 2. (Unresolved Issues) has been revised as follows:

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998; and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation~~

of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

In response to comments regarding smart growth the FEIS Section II. E. (Proposed Project Description) has been revised as follows:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.

**KCA COMMENT:**

9. KCA: Projected salaries for the 1,210 permanent jobs at \$36.6 million per year would be an average of \$30,248 per worker, barely a living wage for Maui. According to the Bureau of Statistics, the average wage for retail sales is \$20,500, so the estimate of \$30,248 per worker is high.

Analysis of existing building stock shows that the Safeway in Pi'ilani Village is the largest building in Kihei at 53,625 sf. Hilo Hatties is 19,230 sf, Longs Drugs is 20,000 sf, Ace Hardware is 16,900 sf, Foodland is 23,000 sf.

The proposed new 530,000 sf of commercial space for the Pi'ilani Promenade would require 10 stores the size of Safeway to fill the proposed space or 26.5 stores the size of Longs Drugs. Local population will not support this much retail business, especially considering that the Krausz Kihei Town Center project will provide 300,000 sf of new commercial space before this project is started.

Development which would compromise the beauty of our view planes and the quality of our water and air and would increase traffic will have a major negative impact on our economy if it reduces the number of visitors who come to South Maui each year.

*The report does not point out that the \$348.7 million in revenue per year will be primarily to mainland owned commercial businesses, so that the money spent here will not stay here. We would prefer to see smaller locally owned businesses located in small town centers, as defined in the KMCP, which keep the money circulating in the state.*

**Business Intelligence (September 16, 2014) reports**

*The retail industry is undergoing a dramatic shift: E-commerce is capturing a larger share of sales than ever before....Hundreds of retail stores are closing.*

*A chart shows the following US retail store closings: JC Penny: 33 stores by May 2014; Aeropostale: 175 stores to close between 2014 and 2019; Abercrombie & Fitch: 180 stores to close by 2015; Gap: 189 stores closed in 2012 and 2013; GameStop: 200 stores closed in 2013; Staples: 225 stores to close by the end of 2015; Barnes & Noble: 226 stores to close between 2011 and 2021*

**A Forbes article(2/12/2014) headlined Retail In Crisis states**

*There is a crisis in retail. During the 2013 holiday season, U.S. retailers received approximately half the holiday foot traffic they experienced just three years ago... With consumer confidence growing in leaps and bounds, the decline in foot traffic signifies a tectonic shift in the way consumers buy and shop...Consumers find researching and shopping on the Web far more convenient than brick-and-mortar visits.*

*The draft EIS ignores this trend away from brick-and-mortar stores to online shopping when proposing to increase local retail space by 123%.*

In response to comments regarding the retail impacts, the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which



attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

**KCA COMMENT:**

*10. This report addresses medical facilities but does not directly address Health. Preventing obesity is a National Public Health priority. Building residential areas where they are cut off from the transportation network which allows walking and biking will contribute to obesity and will increase the demand for medical facilities. This draft EIS fails to discuss these ramifications.*

**Response 10.**

The mixed-use project will include active park space, pedestrian and bicycle connectivity within the site and along the portion of the Kihei Upcountry Highway to facilitate pedestrian and bicycle access to and from existing developments to the north, and west. The Applicant has also offered to assist the State Department of Transportation in the design of non-vehicle connectivity to the south.

**KCA COMMENT:**

*11. While these enrollment numbers appear to be below the stated capacity, many of the school buildings are outdated modular units which were meant to serve temporarily, but are now beyond their service expectations. True capacity would show that enrollment exceeds capacity.*

*While existing schools might accommodate students from the proposed Pi'ilani Promenade residences, all students would require driving to get to school. None of the elementary or intermediate schools are within a reasonable walking distance. Kihei Elementary, the closest is 1.5 miles away on the highway, while Kamli'i Elementary, is 3.5 miles away on the highway. Even the new Kihei High School, on the adjacent site, will require driving because there are no plans to bridge the intervening Kulanihakoi Gulch and the highway is dangerously un-walkable. Planning residences which will increase traffic on Pi'ilani Highway is contrary to the KMCP.*

**Response 11.** The Applicant acknowledges that the project site is not located within close proximity to the existing public schools in Kihei, however it is anticipated that educational facilities in addition to the Kihei High School will be built mauka of Pi'ilani Highway, therefore this project site will become an integral piece of future developments mauka of Pi'ilani Highway. The project site will serve as a link between the existing neighborhoods surrounding Ohukai Road to the future Kihei High school. As mentioned a pedestrian easement will be provided from Ohukai Road into the project sites network of sidewalks and bike paths.

From a regional perspective, as part of the Kihei High School Project conditions of approval the DOE must provide an over or underpass across Pi'ilani Highway to provide safe pedestrian access, which will likely become a primary pedestrian route connecting developments mauka and makai of Pi'ilani Highway. Furthermore there will be an opportunity to provide lateral access along Pi'ilani Highway across Kulanihakoi and Waipuilani Gulches to the Maui Research and Technology Park.

As the KCA is aware, Kulanihakoi gulch is privately owned. The owner of approximately 12.7-acres of the *maikai* end of Kulanihakoi gulch has made public his interest in conveying the area to the County of Maui for the purposes of passive recreational open space and native habitat restoration. The land is identified as Park and Open Space in the County of Maui's Kihei Makena Community Plan, and is identified as a Secondary Off-road Connection and Gulch/Drainage in the County of Maui's South Maui Region Parks & Open Space Master Plan. Various community groups including the KCA have expressed interest in supporting this initiative.

**Comment 12.**

*KCA: We find the entire traffic analysis incomplete. For example, the proposed Kenolio Apartment project is 186 units, not the 124 units quoted in this section. To disregard the impact of Houa'ula development on Pi'ilani should not be allowed. Honua'ula will be, like the proposed Pi'ilani Promenade residences, a residential complex which will require residents to drive for every type trip except some shopping.*

*The TIAR should define the current traffic conditions without the project. It should then provide a cumulative traffic projection and its impacts from the fully developed project and all the Kihei road systems both existing and proposed from the fully developed project. The traffic analysis for the fully developed project should include the traffic from all of the approved developments to date and those that would be likely in the next 20 years.*

*The TIAR should at least include the following approved developments: The Makena Developments (3700+/- units), Honua'ula, Wailea Resort, Maui Research and Technical Park, Kihei Downtown Center, Kihei High School, Honua'ula Affordable Housing, Kihei Mauka, Kenolio Apartments, North Kihei Housing, Kaiwahine Village, Pulehu Nui Industrial Area, Entitled South Maui Infill Projects, and partly entitled South Maui infill projects.*

*The traffic Impact Analysis should assume the complete up country highway and include the mitigations required for the improvement of the intersections of Ka'ono'ulu Street and the Pi'ilani Highway and of Ka'on'oulu Street and South Kihei Road.*

*Include in the TIAR the mitigation that the design of roadways within the development as well as public roads impacted by the development will meet the Hawaii State criteria for Complete Streets (providing for pedestrian and bicycle traffic in addition to motorized vehicles), the Kihei Road Design Standards and the Green Streets criteria. While pedestrian paths are mentioned, there is no mention of bike paths thru the various parking lots. The draft EIS does not provide site plans, so it is not possible to comment on the extent or usability of the pedestrian paths. The plan as described does not comply with the state Complete Streets policy.*

*Analyze roadway intersections with the intent to use roundabouts and mini roundabouts in lieu of signalized and stop sign intersections to conform to with KMCP goals and implementing actions for a pedestrian oriented, walkable community.*

*The size of the community will not support the proposed commercial square footage, so marketing will likely be done to the whole island. This will result in commercial traffic from other areas, which is not considered in this analysis.*

*We find doubtful the proposal that a Traffic Coordinator will be able to resolve the problems generated by the project.*

*In addition to finding the traffic analysis incomplete, the increased traffic from this project is contrary to the KMCP general goal of reducing traffic on Pi'ilani Highway, as stated before.*

**Response 12.** The TIAR update dated December 20, 2016 was prepared by SSFM International to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes associated with anticipated surrounding area development.

Kenolio Apartments – The TIAR update show 186 units.

Honua'ula Development – The direction of this comment is not clear. If the association is referring to the Honua'ula residential units adjacent to the subject project then the TIAR update does address the impacts of trip generation from those units within the TIAR update. Alternatively, if the association is addressing the Honua'ula project proper in the Wailea area that project has not been included in the TIAR update analysis nor has Wailea or Makena Resort trip generation factors per the direction of SDOT. The TIAR update dated December 20, 2016 was prepared by SSFM International to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes

associated with anticipated surrounding area development.

**Current Traffic Projection Analysis** – The TIAR update does address and analyze existing without and existing with the project. In addition the analysis includes traffic from a host of other projects having a likely impact on the circulation system served by project. These projects are identified on Figure 7 within the TIAR update and are considered to be those for which traffic impacts are evaluated within the context of the subject project. These projects are those for which impacts are or will be generated within a reasonable time frame and for which impacts can be evaluated for the proposed project. Projects south of the intersection of Pi'ilani Highway and Piikea Avenue are not included in the analysis as there are outside the study area.

**Complete Streets and Green Streets Compliance** – All of the roadway improvements included within the current plans and for the phased development areas include vehicular, pedestrian and bicycle pathways facilitating access within and through the project incorporating where possible of street pathways, crosswalks and signalization.

**Including Roundabouts in Analysis** – The SDOT requires analysis of roundabouts as part of the design for the Kihei/Upcountry Highway. The design was found to not satisfy the traffic flow requirements for that highway. Smaller roundabouts are being considered for the internal circulation within the project and the internal vehicular, pedestrian and bicycle system was previously mentioned.

**Offsite Traffic Generation** - The TIAR update assumes that 25% of the traffic arriving at the project will come from areas outside of south Maui.

**Traffic Coordinator** – The function of the coordinator is not to solve traffic generation issues but to assist in addressing concerns during and after construction as well meeting with the future tenants and owners to discuss various ways to improve access into and out of the project with the goal of lessening traffic congestion.

**KMCP Goal for Reducing Traffic** – The current development needs for housing and commercial uses necessary to serve south Maui into the future will occur on the Mauka side of the highway. Pi'ilani Highway is the primary connection between the future development areas and the balance of the community and will need to accommodate the projected traffic generated through the anticipated growth.

*Comment 13. As stated by the KMCP, enclosing natural gulches in a culvert is against our community values of preserving the natural environment. A waterway left in its natural state reduces the amount of pollution that reaches the ocean, cleans and filters water for recreation and drinking, and supports the area wildlife and fisheries. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring and increases marine degradation.*

*Downstream from these gulches, where they cross South Kihei Road, is an area of perpetual flooding. Converting Kaonoulu Gulch to a culvert will increase flooding potential here by decreasing the amount of water that can be absorbed by the land on its downhill trip to the ocean. The two gulches on this site, Kulanihakoi and Ka'ono'ulu, are cultural and environmental resources that must be preserved, not buried.*

*Per the Hawaii State Office of Planning document, "Stormwater Impact Assessments." Cumulative impacts must be considered, not just conditions and impacts at the site. It states the following:*

*Cumulative effects on a given resource, ecosystem, or human community are rarely aligned with political or administrative boundaries. Cumulative effects on natural systems must use natural ecological boundaries. For stormwater, the natural geographic boundary is the watershed. (page 4)*

*Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable actions. (page 4)*

*Hawaii's watersheds include nearshore waters and proposed actions should account for secondary impacts to nearshore resources. (page 10)*

*In other words, effects of the development on the entire ahupua'a shall be considered (including nearshore waters) and these effects should include other future and concurrent development within the watershed.*

**Response 13.** In response to comments regarding drainage, the FEIS section III. D. 2 (Drainage) has been revised to include the following language:

The Project does not propose any channeling or culvert work for Kulanihakoi Gulch. The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Under current conditions, no riparian zone exists in the vicinity of Drainageway "A" within the Project site.

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

In response to comments regarding cumulative impacts the FEIS section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language:

The total increase in runoff as a result of the development of projects listed in table 16 is 728.92 cfs. The total runoff amount will be retained by the individual projects in accordance with the Maui County drainage rules.

The specific mitigation measures identified for projects in Table No. 16 vary from above ground landscaped detention basins, underground basins within parking lots and roadways, vegetated swales and landscape planting to reduce the impacts associated with runoff. Water Quality will be maintained by the future drainage systems for surrounding projects including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution.

All surrounding projects will be required to implement the BMP's as required by the County and State. In addition, the Applicant understands that all other projects related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

The Applicant has reviewed the Guidance Document titled, *Stormwater Impact Assessments*, prepared by PBR Hawaii and Associates, Inc. for the Hawaii Office of

Planning in May 2013. The purpose of the Guidance Document is to provide guidance on assessing stormwater impacts in the planning phase of project development.

"The Guidance Document suggests incorporating design concepts and mitigation measures into the planning phase of development to achieve compliance with existing ordinances, rules, and regulations. No new regulations are proposed with this Guidance Document."

As noted in the FEIS section V. C. (Cumulative and Secondary Impacts) the post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Therefore the Project, together with other planned projects in the area, should not have a significant cumulative impact on coastal water quality if construction and operation



phase BMPs are strictly adhered to. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16.

**KCA COMMENT:**

*14. The proposed five improvements to the County Water System are improvements to infrastructure which will not increase the island's water sources. Reports show that fresh water in the existing aquifer is being depleted. Adding additional users to the system will increase the rate of depletion. This has not been addressed.*

**Response 14.** In response to comments regarding the existing aquifer the FEIS Section III. A. 11. (Groundwater Resources), has been revised as follows:

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Pi'ilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Pi'ilani Promenade's use of the Iao Aquifer System for drinking water.

**KCA COMMENT:**

*FINAL. KCA has observed the Krausz developers using the KMCP from the very start of their project as a guideline to minimize environmental impact. The Kihei Town Center being developed by Krausz will provide for our future retail needs without degrading the environment and even by enhancing the environment. KCA would like to make clear that the Pi'ilani Promenade project is contrary to our KMCP in significant ways. It appears that either the applicant was not aware of the KMCP or chose to ignore it. The KMCP is a legal document created by the community to guide development in the community. By circumventing the wishes of the community, which are spelled out clearly in the legal document of the KMCP, the Pi'ilani Promenade, as proposed, will be detrimental to our natural, cultural, and economic environment, upon which our island economy is based. Response FINAL. In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:*

**2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the

KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

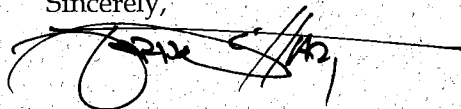
The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely,



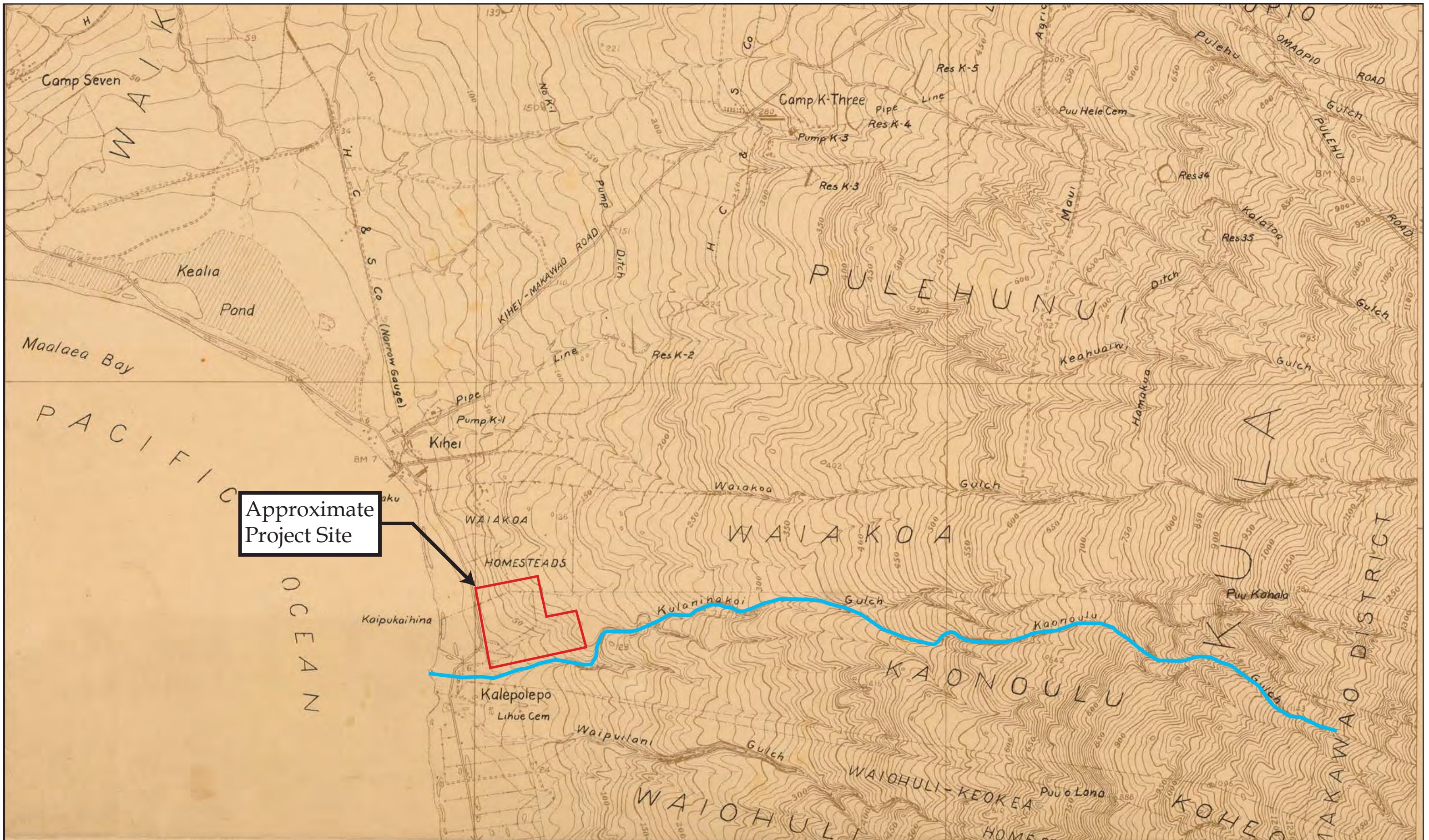
Jordan E. Hart, President

Enclosures (2)

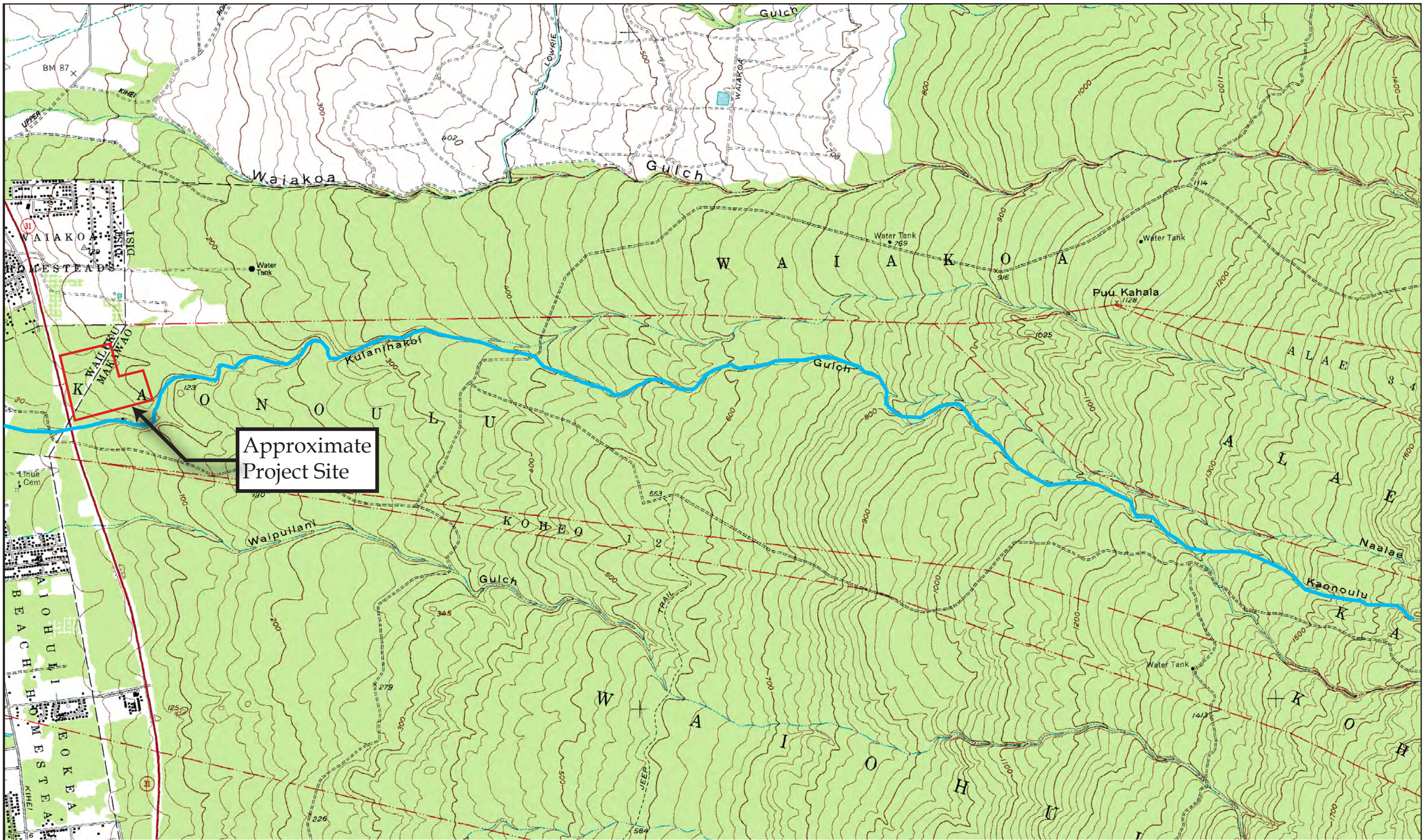
1. Figure 20, "USGS MAP 1923"
2. Figure 21, "USGS MAP 1983"

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029











Mr. Jordan E. Hart

Chris Hart & Partners, Inc.

115 N. Market St.

Wailuku, HI 96793

October 3, 2014

Dear Mr. Hart,

My name is Elden Liu. I am writing you in response to the information I received regarding the project known as Piilani Promenade North & South LLC. The land area this project is designed to be built upon is known as the Ahupua'a of Kaonoulu. This particular ahupua'a was awarded to Hapakuka Hewahewa, Royal Patent #7447, and Land Commission award #3237 in 1848. This award was one of numerous awards made during the Great Mahele by King Kamehameha III. I am a direct lineal descendant of Hapakuka Hewahewa. I have on file a UCC finance statement at the Bureau of Conveyances acknowledging my claim to this ahupua'a.

I have enclosed a copy of a deed to this parcel which I obtained from Susan Shanner of the state archives. The deed is signed by King Kalakaua in 1860. I question the validity of this deed as Kalakaua was not the reigning monarch in 1860. I would like to request a copy of the deed which allows you to legally proceed with the Piilani Promenade project. Your response would be greatly appreciated.

Respectfully submitted,



Elden K. Liu

75 Ululani St.

Kula, HI 96790

RECEIVED

OCT - 7 2014

CHRIS HART & PARTNERS, INC.  
Landscape Architecture and Planning

CC: Brut 13/029

LINDA LINGLE  
GOVERNOR



RUSS K. SAITO  
COMPTROLLER

BARBARA A. ANNIS  
DEPUTY COMPTROLLER

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES

ARCHIVES DIVISION  
HAWAII STATE ARCHIVES  
'IOLANI PALACE GROUNDS  
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawai'i, do hereby certify that the attached document is a true and correct copy of Royal Patent No. 7447, to H. Hewahewa, on pages 201-202 of volume 2, from Patents Upon Confirmation of Land Commission, [Series 289], Board of Commissioners to Quiet Land Titles \_\_\_\_\_

on file in the STATE ARCHIVES, at Honolulu, State of Hawai'i.

Witness my hand and seal this 10th day of July, 2007 at Honolulu, State of Hawai'i.

A handwritten signature in cursive script, reading "Susan Shaner".

SUSAN SHANER, STATE ARCHIVIST



# ROYAL PATENT.

Upon Confirmation by the Land Commission.

**WHEREAS**, The Board of Commissioners to quiet Land Titles have by their decision awarded unto

*H. Hewahewa*

*L.C. Awards 3237 part 2*

an estate of **Freehold** less than Allodial, in and to the Land hereafter described, and whereas proper application having been made to the Minister of the Interior by *H. Hewahewa* for a Royal Patent on the within described lands, a certificate defining the boundaries of the same being filed, and the Government's commutations thereon relinquished by an order of the Privy Council.

*Kalakaunua*

**THE SOVEREIGN**, by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and his successors in office, this day granted and given absolutely, in Fee Simple, unto

*H. Hewahewa*

all that certain piece of Land ~~situate~~ known as *Taonoulua*

*Kalakaunua* in the Island of *Mauia* and described as follows: -

Commencing at a cross cut on a stone amongst a lot of stones on sand beach at a place called *Taprahina*. From which cross the Government Survey Station *Five Holes*, bears *N. 48° 58' W* true and running.

1. *N. 66° 28' E.* true 2302 feet along *Waiakoa* to a cross cut on stone, thence
2. *S. 88° 57' E.* " 14464 " " to a pile of stones
3. *S. 86° 21' E.* " 5575 " " to a pile of stones.
4. *S. 46° 20' E.* " 4803 " *Alae 1.2* to a pile of stones.
5. *S. 69° 3' E.* " 3730 " " to a stone marked thus →

at a rocky place on edge of gulch.

6. *S. 72° 50' E.* " 4146 ft along *Alae 1.2* to a cross cut in a stone
7. *S. 72° 32' E.* " 4355 " " to a stone marked thus →

a little north of a cave and stone pile

8. Thence along *Alae 1.2* following up the bottom of the *Kalakaunua* gulch to an iron pin on edge of same, the traverse up gulch being as follows 1. *S. 73° 39' E.* true 4989 feet to an old grave on the edge of gulch
2. *S. 61° 14' E.* " 4647 " to point on edge of gulch above waterfall called *Taprahina*.
3. *S. 50° 25' E.* 5063 feet to iron pin, thence

9. *S. 39° 6' E.* true 3569 feet up gulch along *Alae 1.2* to point on *S. edge* of same
10. *S. 47° 57' E.* " 7153 " along *Alae 1.2* to a pile of stones at *mouth* of the same on side of *mountain* thence

1. S 30° 9' E hmer 2. feet along Waiahoas to pile of stones on top of mountain. thence
  12. S 53° 55' W 3345 along Napamau to a cross cut on a rock over a sort of cave at a place called Kalepaua
  13. N 50° 46' W 9571 along Waiohiki to an iron pipe on edge of gulch thence
  14. N 51° 20' W 9209 along Kohoo to an iron pipe on edge of gulch at a place called Keanamau, thence
  15. along Kohoo following down the bottom of the gulch to a stone marked thus → on the S Wedge of same. Traverses down the gulch being as follows:
    1. N 63° 7' W hmer 5292 feet to a cross on a stone on edge of gulch.
    2. N 59° 31' W 2952 to a cross . . . . .
    3. S 70° 10' W 1200 to a post on edge of gulch
    4. N 64° 40' W 1883 to a stone marked thus → thence
  16. N 71° 29' W hmer 6699. along Kohoo to a pile of stones.
  17. N 82° 5' W hmer 19825 . . . . . stone marked → to a place called Kaulaula, thence
  18. N 84° 1' W hmer 2874 feet along Waiohiki
  19. S 35° 35' W 548 . . . . .
  20. N 85° 3' W 340 . . . . . along the S rapids of an old fish pond at Kalepaua to sea thence
  4. N 2° 55' W 2325 feet following along sea shore to initial point
- area 5715 acres.

Containing an area of Five thousand seven hundred & fifteen Acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

**To Have and to Hold** the above granted Land in Fee Simple, unto the said **H. H. H. H. H.** Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all Landed Property held in Fee Simple.

**In Witness Whereof**, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed, this **minth** day of **April** 1860

*Kalakaia B*

*S. C. Alden*

See Page 3 of 3



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

April 17, 2017

Mr. Elden K. Liu  
75 Ululani Street  
Kula, HI 96790

Dear Mr. Liu,

RE: Comments on the Draft Environmental Impact Statement (DEIS)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 3, 2014.

**Response.** In response to comments regarding land ownership the FEIS section II. E.  
(Proposed Project Description) has been revised to include the following language:

On September 10, 2010, Maui Industrial Partners, LLC sold the project parcels – TMK's  
(2) 3-9-001:016, 170-174 - to the Applicant. The project parcels comprise approximately  
75 of the 88 acres contained within the Petition Area (hereinafter "the Pi ilani Parcels").  
The Applicant asserts that their deeds to the project area are valid and has included a  
copy of their deeds and title insurance policies in the FEIS (See: Appendix V, Deeds and  
Policies of Title Insurance).

Thank you for participating the in the environmental review process. Please feel free to  
call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you  
have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029

Piilani Promenade DEIS Public Comments

October 7, 2014

Daniel Kanahele  
1100 Kupulau Drive  
Kihei Hawaii 96753  
(808) 879-2239

Accepting Authority:

TO LAND USE COMMISSION

Mr. Daniel E. Orodener – LUC Executive Officer                      Email:luc@dbedt.hawaii.gov  
Department of Business, Economic Development & Tourism  
235 South Beretania Street, Room 406      PO Box 2359  
Honolulu, Hawai'i      96804-2359

TO APPLICANTS:

Pi'ilani Promenade North, LLC    and Pi'ilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
Mr. Robert Poyner, Vice President (214.692.4227)      Email:bpoyner@sraco.com  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

TO CONSULTANT:

Chris Hart and Partners, Inc.,    Email: jhart@chpmaui.com  
115 N. Market St., Wailuku, HI 96793.  
Contact: Mr. Jordan E. Hart      (808) 242-1955

TO OEQC:

Office of Environmental Quality Control  
Ms. Jessica Wooley, Director      (808) 586-4185      Email:oeqchawaii@doh.hawaii.gov  
Hawai'i Department of Health  
235 South Beretania Street    Room 702  
Honolulu, HI    96813

TO STATE OFFICE OF PLANNING:

Acting Director Leo R. Asuncion Jr.                                      Email:leo.asuncion@dbedt.hawaii.gov  
State of Hawaii  
PO. Box 2359  
Honolulu, Hawaii 96804-2359

Re: LUC Docket A94-706 Ka'ono'ulu Ranch / Pi'ilani Promenade OEIS

TO WHOM IT MAY CONCERN:

I wish to submit the following comments relative to the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade (PP).

COMPLIANCE WITH THE KIHAI-MAKENA COMMUNITY PLAN (KMCP).

1. The proposed action described in the DEIS does not comply with numerous provisions of the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law, reflects the stated wishes of the community for the Kihei-Makena Planning Region, and must be amended if the Proposed Action is to Proceed.

The DEIS does not adequately address the question of conformance with, and enforceability of, the KMCP. The DEIS must include a thorough discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area". The DEIS fails to do so.

If the applicant fails to pursue a community plan amendment for this proposed action, then the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the Final EIS upon amendment of the KMCP.

I request that the Final Environmental Impact Statement (FEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.

2. The proposed action described in the DEIS is Inconsistent with Light Industrial Zoning; a change in zoning is required.

COUNTY ZONING

The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.

Here the Piilani Promenade North is mostly retail and commercial with only a token light industrial component, or no light industrial at all for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use and therefore should be zoned for business and commercial use.

The proposed development is inconsistent with M-1 zoning requirements. I request that the Final Environmental Impact Statement discuss the project submitting a request for a zoning change to the County of Maui.

3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development and in the original 88 acres of state ag to urban reclassified lands shares all the previous entitlement approvals with the Piilani Promenade Project and is depended on this development for much of it's infrastructure needs and will have many similiar environmental impacts as the Pi'ilani Promenade, yet has had no environmental review.

## SEGMENTATION

The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Piilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The EIS for Wailea 670/Honua'ula did not address or assess the workforce housing component of that development, that being 250 housing units to be constructed on 13 of the 88 acre parcel in issue here (Honua'ula's parcel). The proposed Honua'ula component of the Project is again omitted from any environmental assessment in the Piilani Promenade DEIS.

Is the DEIS sufficient without inclusion of the Honua'ula parcel?

Is this unpermitted segmentation?

I request that the Final Environmental Impact Statement discuss the impacts of the 13-acre, 250 unit affordable housing project and mitigations for the Honua'ula Affordable Housing Development.

4. The Draft Environmental Impact Statement (DEIS) does not adequately analysis the impacts of the proposed action on regional traffic, safety of students from Kihei High School and other schools walking or biking to and from the Pi'ilani Promenade, the potential this action has for increase flooding downslope and impacts to existing businesses in the region.

- The proposed traffic analysis is incomplete. For example, the proposed Kenolio Apartment Project is 186 units, and not 124 units quoted in the DEIS. A complete analysis of the impact of the Honua'ula Affordable Housing Project should be provided in the DEIS. Pi'ilani Promenade is proposed to be a regional mall attracting traffic from all over the island. This is contrary to one of the general goals of the KMCP to reduce traffic on Pi'ilani Highway.
- There is no clear plan discussed in the DEIS for safe walking and biking routes for students of the proposed Kihei High School to and from the Pi'ilani Promenade. There are no site maps provided of walkways and bikeways provided within and without the project area. Pi'ilani is a high speed highway. Crossing the Kulanihakoi bridge between the proposed PP and the Kihei High School is especially dangerous for walkers and bikers.
- The proposed action is just upstream from a flood prone area. The proposed action will

increase the chances for flooding downstream because converting a natural drainway, Ka'ono'ulu Gulch, into a culvert will increase flooding potential by decrease the amount of water that can be absorbed by the land on its way downhill to the ocean. Also, when you compare the drainage analysis of the proposed action with the older proposed Ka'ono'ulu Market Place drainage study, there is a 3-fold increase in runoff.

- The analysis of economic impacts proposed action will have is difficult to make if there are no due to lack on information provided in the DEIS regarding configuration, location and size or propose retail space. All we have a big bubbles to look at. Also, there is no discussion in the DEIS of impacts of proposed action in an environment where there currently exist a high level of vacant retail space.

## 5. Cultural Impacts

The DEIS states in multiple places that the proposed action will have no cultural impacts. This is not true. This project will have many cultural impacts.

### A. Comments regarding Ka'ono'ulu Gulch

Ka'ono'ulu Gulch is a cultural and environmental resource that must be preserved and not buried. Uncle Les Kulolio'o has said that our gulches are the heart of Maui. Our seasonal waterways provide many important ecological and cultural functions. Left in their natural state they reduce the amount of pollution that reaches the ocean, clean and filter water for recreation and drinking and support the area wildlife and fisheries which Hawaiians have used for a millenium for traditonal gathering practices. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring, increases marine degradation and impacts the customary and traditional gathering places and practices of Hawaiians. Enclosing a natural gulch in a culvert is culturally inappropriate and against our community values of preserving the natural environment as stipulated in the KMCP that give our area its uniqueness and sense of place.

At the February 25, 2014 Piilani Promenade Cultural Consultation Meeting the cultural importance of Ka'ono'ulu Gulch was discussed at length by several of the participants.

We need an EIS that shows alternate plans that include Ka'ono'ulu Gulch as part of the proposed project. It could become an open space greenway with walking paths along it that could incorporate the historic sites of the cultural landscape to retain both a "sense of place" and the integrity of this natural drainageway.

### B. Comments regarding Archaeological Inventory Survery (AIS)

- There are no documented archaeological sites reccommend in the AIS for preservation. There are a few recommend for data recovery with the chance that some of those may be recommend for preservation. But, it is highly likely that the vast majority of these sites (if not all) will be destroyed and not preserved. This is unfortunate as this ahupua'a has a lot of history. The proposed action does not seem to support the integration of cultural/historic sites into the project plan. Recommendations to integrate historic



- sites into the project were made at the February 25, 2014 cultural consultation meeting.
- The AIS is inadequate because there is evidence that not all historic properties have been recorded. There are possible undocumented archaeological sites, midden scatters and artifacts.
  - At the February 25, 2014 cultural consultation meeting a request was made by consulting parties that included lineal descendants, cultural practitioners and other knowledgeable parties, to go on a site visit to the project area. We were told by Charlie Jencks, the owners representative, and Eric Fredrickson, the archaeologist, that this was doable. It would seem that the time is at hand to bring the cultural consulting parties and lineal descendants on the land for the following purposes: To help identify historic properties, consult on the cultural uses and significance of those historic/cultural properties.
  - The AIS does not comply with the Kihei-Makena Community Plan that "requires development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process" (Page 24 KMCP). There are archaeological sites adjacent to the project in Kulanihakoi Gulch that have not been documented in the AIS or the 2008 AIS of lands Mauka and south of the project. The need to include an additional survey of the Kulanihakoi Gulch was brought up at the February 25, 2014 cultural consultation meeting.
  - EIS should show an alternate action where cultural/historic sites are incorporated into the proposed action and not simply destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.

#### C. Comments regarding Cultural Impact Assessment (CIA).

In the DEIS the CIA results are summarize as follows:

"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."

- CIA needs to include more interviews to be acceptable. There are more than just the two people selected in the CIA for interviews who can advance our understanding of the history of this land. PP staff and consultants met cultural practitioners, lineal descendants and others at the February 25, 2014 cultural consultation meeting some of whom have a practice on the land and in the ahupua'a and did not chose to interview them for the CIA, therefore, the CIA is incomplete.
- CIA needs to recognize that there are other cultural practitioners and lineal descendants of the area and their connection to the land.
- CIA states there are no cultural practices currently occurring on the land. That is not correct.

- CIA needs to recognize the impacts this project may have on Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes on and adjacent to the project area. This would include gathering practices at the Ka'ono'ulu seashore and in the nearshore waters for limu, fishes, etc..

D.) Cultural Consultation at February 25, 2014 Meeting with cultural practitioners, lineal descendants and knowledgeable parties ignored or not taken seriously.

Many suggestion and recommendations by cultural consultants were offered at this meeting.

But most of them did not receive any consideration in the DEIS or follow up.

- A request was made for a site visit to project area. That has not happened yet.
- A request was made to survey Kulanihakoi gulch adjacent to project for archaeological sites. That has not happened yet.
- Importance of natural gulches as drainageways and native cultural resources was emphasized repeatedly as it pertained to recharging ground water and supporting limu and fisheries and the importance of protecting the natural flow of gulches and not tampering with it. Yet, this consultation has not seem to affect the proposed action to bury Ka'ono'ulu gulch.
- A request was made to include some of the participants at the meeting in the CIA. That has not happened.
- Some other recommendations from the meeting are discussed in my comments above.

Thank you for the opportunity to offer comments on the Pi'ilani Promenade DEIS.

daniel kanahele  
1100 Kupulau Dr.  
Kihei, Hawaii 96753



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

Mr. Daniel Kanahele  
1100 Kupulau Drive  
Kihei, HI 96753

Dear Mr. Kanahele,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 7, 2014. Our responses to your comments are provided below.

***Comment 1.** The proposed action described in the DEIS does not comply with numerous provisions of the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law, reflects the stated wishes of the community for the Kihei-Makena Planning Region, and must be amended if the Proposed Action is to Proceed.*

*The DEIS does not adequately address the question of conformance with, and enforceability of, the KMCP. The DEIS must include a thorough discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area". The DEIS fails to do so.*

*If the applicant fails to pursue a community plan amendment for this proposed action, then the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the Final EIS upon amendment of the KMCP.*

*I request that the Final Environmental Impact Statement (FEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.*

**Response 1.** In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:

## **2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is

necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

*Comment 2. The proposed action described in the DEIS is Inconsistent with Light Industrial Zoning; a change in zoning is required.*

#### COUNTY ZONING

*The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.*

*Here the Pi'ilani Promenade North is mostly retail and commercial with only a token light industrial component, or no light industrial at all for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use and therefore should be zoned for business and commercial use.*

*The proposed development is inconsistent with M-1 zoning requirements. I request that the Final Environmental Impact Statement discuss the project submitting a request for a zoning change to the County of Maui.*

**Response 2.** In response to comments regarding zoning the FEIS section IV. G. (County Zoning) has been revised to include the following language:

The comprehensive zoning provisions for the County of Maui are set forth in Article II of Title 19 of the Maui County Code. The purpose and intent of comprehensive zoning is to regulate the utilization of land in a manner encouraging orderly development in accordance with the land use directives of the Hawaii Revised Statutes, the charter of the County of Maui, and the general plan and community plans of the County, as well as to promote and protect the health, safety, and welfare of the people of the County. The subject property is zoned for "M-1, Light Industrial District" uses by the County of Maui, and land uses that are proposed for the Pi'ilani Promenade are allowable under "M-1, Light Industrial" zoning (See: Figure 6, "Maui County Zoning Map"). The M-1 light industrial zoning district allows, as of right, all of the commercial uses contained in the Maui County business districts, B-1, B-2 and B-3. This specifically includes the light industrial, commercial, and apartment uses proposed for the Promenade Project.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

The Planning Department believes that community plans and zoning play complimentary but different roles. Community plan land use designations are intended to depict what types of land uses are envisioned during the duration of the community plan. They are intended to guide decision-making for changes in zoning, subdivisions, budgeting and capital improvements, and developments in the special management area. They do not provide, nor are they intended to be, exclusive or complete lists of land uses allowed. They do not provide specific development standards. Zoning regulates land use; zoning provides exclusive and complete lists of land uses and specific development standards.

*Comment 3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development and in the original 88 acres of state ag to urban reclassified lands shares all the previous entitlement approvals with the Pi'ilani Promenade Project and is depended on this development for much of its infrastructure needs and will have many similar environmental impacts as the Pi'ilani Promenade, yet has had no environmental review.*

**Response 3.** The parcel owned by Honua'ula Partners LLC, is outside of the Pi'ilani Promenade Project area, and is on a separate subdivided parcel. In response to comments regarding the Honua'ula development, the FEIS Section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language.

**Cumulative Impacts of Honua'ula Affordable Housing Development**

The Preliminary Engineering Report (PER) was developed to address the engineering issues and impacts associated with the Promenade project in terms of utility service, drainage, access, grading and other aspects of site development. It is important to remember that the final subdivision map creating both the Promenade and Honua'ula Partners LLC (HPL) parcel was required to provide adequate utility service to each lot (water, sewer, electrical, etc.). The subdivision map and associated civil construction plans provide for all of these services for each lot including the HPL parcel. All of the drainage work done to date has been completed to address the on and off site infrastructure development needed to serve all of the parcels including HPL. The Promenade PER specifically addresses the drainage concerns associated with development of that project only while the HPL parcel, when developed, will need to comply with the County of Maui

drainage requirements as a separate project not impacting the assumptions already addressed in the subdivision and Promenade PER documents.

In addition to the above the HPL parcel is owned by a separate entity with development timing subject to both Chapter 343 compliance and processing of a Motion to Amend with the Commission. Therefore, its development timing is uncertain and there are no specific development plans yet developed to provide a basis for PER analysis other than the number of units.

AIS: the AIS includes the Honua'ula affordable housing development parcel in its Survey and no Historical Sites were identified on this project parcel outside of the Pi'ilani Promenade.

CIA: The CIA included the Honua'ula parcel in its Assessment. Drainageway "A" was noted by some interviewees as having cultural importance however the CIA concludes that:

"Given the input received through the consultation process and a review of the archaeological data gathered in the project AIS we cannot conclude the minor drainageway "A" discussed within the project documents or consultation discussions has any relevant cultural significance. As part of the data recovery process proposed for the project area further information may reveal more about this drainage way and possible significance."

In addition SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").



**PER:** The PER does not identify the drainage and electrical impacts of the Honua'ula affordable housing development yet that parcel will be served by all major utility connections already established and shown in the subdivision improvement plans and all infrastructure has been sized to reflect the buildout of both Pi'ilani and Honua'ula affordable housing development. Honua'ula's affordable housing development electrical requirements will be served from the new MECO substation and any drainage by Honua'ula affordable housing development will be required to meet Maui County Standards. The Applicant calculated the estimated Drinking Water Demand for both Pi'ilani and Honua'ula affordable housing development by using Maui County Code Standards.

**TIAR:** The estimated Traffic generated by Honua'ula affordable housing development were analyzed as part of the TIAR update by SSFM. This traffic along with other background growth was used to understand the impacts of other projects, along with the proposed Pi'ilani project.

**ECON:** The Study did not measure other projects economic impacts. The Study mentions the Honua'ula Affordable housing project in 2 places related to affordable housing. The statement is made that 125 units of the 250 will be rental with the remainder owner occupied. The positive social impact of the Affordable Housing Development can be identified in the FEIS.

**Waimea Water Services Report:** The irrigation well is located on Honua'ula Affordable Housing project parcel and will provide the water for construction dust control and temporary irrigation for the both Pi'ilani and Honua'ula affordable housing development. The Waimea water services report has determined that during a test pumping of a well in the same area as the on property well, there was no change in the water level and quality at 3 observation wells. In addition the report noted that three irrigation wells are located downstream of the property, all of which are located at a distance of over 3000 feet from the well and it is the conclusion of the Waimea water services report that it is unlikely the proposed irrigation well will impact downstream irrigation wells.

**Air Quality:** The Air Quality Study included the Honua'ula affordable housing development, however the affordable project is separated from the Pi'ilani Promenade project. Additionally, the essential data used for the air quality analysis is the data finalized within the TIAR update which includes the impacts of the Honua'ula affordable housing development. As previously mentioned, based on the review of the TIAR Update dated

December 2016 it is the opinion of the air quality consultant that re-analysis of the project air quality impacts due to project traffic would not yield significantly different results and the conclusions stated in the air quality study of August 2014 remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

Noise Study: Based on the review of the TIAR Update dated December 20, 2016 it is the opinion of the Acoustic Study consultant that any potential adverse noise impacts at the Honua'ula affordable housing project can be compared to the potential noise impacts as follows:

There should be less exposure to noise from the Pi'ilani Promenade project's noise source since on the south side of the Honua'ula affordable housing project will face the Pi'ilani Promenade business/commercial activities;

Pi'ilani Promenade traffic on E. Kaonoulu Street fronting the Honua'ula affordable housing project should be less than Pi'ilani Promenade traffic on E. Kaonoulu Street fronting the Pi'ilani Promenade's 226 residential units. Total predicted traffic noise in 2032 at the Honua'ula affordable housing project should also be less than the 59 to 61 DNL predicted at the Pi'ilani Promenade's 226 residential units. (See: Appendix E-2 "Acoustic Study dated January 23, 2017")

Shared infrastructure Irrigation Well: The irrigation well is intended to serve both the Pi'ilani and HPL parcels and is designed to do so with the irrigation system located for future connection by all parcels. Additionally, this private system has been designed for conversion to reclaimed water when that service is available from the County of Maui consistent with the zoning conditions for the parcel.

Kihei Up-Country Highway: The Pi'ilani Promenade will construct the increment of the Kihei/Upcountry Highway from its intersection with the Pi'ilani Highway through to the eastern boundary of the property serving all four parcels with a fully improved roadway section including major utilities, drainage, off road bicycle and pedestrian paths, roadway and landscaped shoulders and median strips.

Utilities: The improvements proposed by Pi'ilani Promenade will provide full utility service to all parcels in the subdivision including the HPL parcel. Water, sewer, electrical, roadway drainage will all be provided per the subdivision construction plans.

*The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Pi'ilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The EIS for Wailea 670/Honua'ula did not address or assess the workforce housing component of that development, that being 250 housing units to be constructed on 13 of the 88 acre parcel in issue here (Honua'ula's parcel). The proposed Honua'ula component of the Project is again omitted from any environmental assessment in the Pi'ilani Promenade DEIS.*

*Is the DEIS sufficient without inclusion of the Honua'ula parcel?*

*Is this unpermitted segmentation?*

*I request that the Final Environmental Impact Statement discuss the impacts of the 13-acre, 250 unit affordable housing project and mitigations for the Honua'ula Affordable Housing Development.*

**Response 4.** The parcel owned by Honua'ula Partners LLC. is outside of the Pi'ilani Promenade Project area, and is on a separate subdivided parcel. In response to comments regarding segmentation the FEIS Section II.C. (Project Background), has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13-acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

*Comment 5. The Draft Environmental Impact Statement (DEIS) does not adequately analysis the impacts of the proposed action on regional traffic, safety of students from Kihei High School and other schools walking or biking to and from the Pi'ilani Promenade, the potential this action has for increase flooding downslope and impacts to existing businesses in the region.*

*The proposed traffic analysis is incomplete. For example, the proposed Kenolio Apartment Project is 186 units, and not 124 units quoted in the DEIS. A complete analysis of the impact of the Honua'ula Affordable Housing Project should be provided in the DEIS. Pi'ilani Promenade is proposed to be a regional mall attracting traffic from all over the island. This is contrary to one of the general goals of the KMCP to reduce traffic on Pi'ilani Highway.*

**Response 5.** In response to comments regarding traffic, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui. (See: Appendix M-1, "Traffic Impact Analysis Report Update, dated December 20, 2016").

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further,

the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125units) and Residential Condominium/Townhouse (125 units) from the *Trip Generation, 8th Edition* (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.

- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for **With Project** includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

### **Kenolio Apartments**

The Kenolio Apartments is located between Pi'ilani Highway and Kenolio Road in the southwest quadrant of the intersection of Kaonoulu Street at Pi'ilani Highway. The project is a 186 unit multi-family affordable housing development. It is anticipated that the project will be completed in 2017. Access to and egress from will be via two driveways along the east side of Kenolio Road. The traffic

assignments for the project were obtained from the TIAR for Kenolio Apartments, An Affordable Housing Project (PRA, 2014).

The KMCP states under the heading of *ENHANCEMENT OF NEIGHBORHOODS*:

*"Kihei's linear form has been largely defined by two parallel roadways, South Kihei Road and Pi'ilani Highway. This linear pattern of development, combined with near total reliance on South Kihei Road and Pi'ilani Highway, forces residents to travel by car for their shopping, recreation and other basic needs, often resulting in traffic congestion. A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway. In addition, a more efficient internal roadway circulation system is proposed. A trail/greenway/bikeway system is also being proposed to provide alternate means of transportation."*

The KMCP further states in the Transportation Objectives and Policies section:

*"b. Undertake transportation system improvements concurrently with planned growth of the Kihei-Makena region. Require adequate interregional highway capacity, including the widening of Pi'ilani and Mokulele Highways to four lanes, prior to the construction of major projects south of Kilohana Road or mauka of Pi'ilani Highway."*

The KCMP also acknowledges:

*"C. Interregional Issues*

*During deliberations over possible amendments to the Kihei-Makena Community Plan, several issues were considered which affect other regions. This section discusses these issues which need interregional, island-wide or County-wide comprehensive policy analyses and formulation.*

...

*2. Upcountry transportation connection. The need to provide a transportation link to the Upcountry area has been identified for some time. This would result in saving valuable commuter time between the primarily residential area of Upcountry and job centers within the Kihei region. Choosing the optimal route for this link will involve consideration of positive and negative impacts to both regions. The focus should be on improving transportation services for island residents; thus the route should minimize travel times for the maximum number of island residents."*

At the drafting of the KMCP the Pi'ilani highway was a two-lane road. The location of the Kihie-Upcountry Highway terminus and the Kihei High School were undetermined. The location for the Kihei-Upcountry Highway has been identified as East Kaonoulu Street, and the Kihei High School is to be located approximately 450 feet south of the Project site. The mix of uses proposed by the Project are appropriately situated for the intersection of the two highways.

While the Project is not a neighborhood service center, it does propose to provide pedestrian and bicycle access surrounding areas. The Project proposes to connect to Ohukai Road in order to provide non-vehicle access to the single family neighborhoods north of Ohukai Road. The intersection of Kaonoulu Street will be improved with pedestrian crossings allowing access to

single family neighborhoods and proposed multifamily communities west of the Pi'ilani Highway. The Project has also offered to assist the State Department of Transportation in the design of a pedestrian access route within the Pi'ilani Highway right-of-way, and outside of the roadway section for pedestrian and bicycle safety described further below.

*Comment 6 There is no clear plan discussed in the DEIS for safe walking and biking routes for students of the proposed Kihei High School to and from the Pi'ilani Promenade. There are no site maps provided of walkways and bikeways provided within and without the project area. Pi'ilani is a high speed highway. Crossing the Kulanihakoi bridge between the proposed PP and the Kihei High School is especially dangerous for walkers and bikers.*

**Response 6.** . In response to comments regarding safe routes to schools the FEIS Section II.C. (Project Background) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

Additionally, In response to comments regarding safe routes to schools the FEIS Section III.D.1.(Roadways) has been revised to include the following language:

Without additional connectivity and access, the resulting number of users likely to travel by foot, bike, or transit is relatively small and thus no factor was applied to the resulting volumes. However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway



right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

*Comment 7. The proposed action is just upstream from a flood prone area. The proposed action will increase the chances for flooding downstream because converting a natural drainway, Ka'ono'ulu Gulch, into a culvert will increase flooding potential by decrease the amount of water that can be absorbed by the land on its way downhill to the ocean. Also, when you compare the drainage analysis of the proposed action with the older proposed Ka'ono'ulu Market Place drainage study, there is a 3-fold increase in runoff.*

**Response 7.** In response to comments on the existing drainageway, the FEIS Section III.A. 2. (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 - year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

*Comment 8. The analysis of economic impacts proposed action will have is difficult to make if there are no due to lack on information provided in the DEIS regarding configuration, location and size or proposed retail space. All we have a big bubbles to look at. Also, there is no discussion in the DEIS of impacts of proposed action in an environment where there currently exist a high level of vacant retail space.*

**Response 8.** In response to comments regarding the available commercial area in Kihei, the FEIS Section III. B. 3 (Economy) has been revised to include the following language:

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along South Kihei

Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

**Comment 9. Cultural Impacts**

*The DEIS states in multiple places that the proposed action will have no cultural impacts. This is not true. This project will have many cultural impacts.*

**A. Comments regarding Ka'ono'ulu Gulch**

*Ka'ono'ulu Gulch is a cultural and environmental resource that must be preserved and not buried. Uncle Les Kulolio'o has said that our gulches are the heart of Maui. Our seasonal waterways provide many important ecological and cultural functions. Left in their natural state they reduce the amount of pollution that reaches the ocean, clean and filter water for recreation and drinking and support the area wildlife and fisheries which Hawaiians have used for a millenium for traditonal gathering practices. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring, increases marine degradation and impacts the customary and traditional gathering places and practices of Hawaiians. Enclosing a natural gulch in a culvert is culturally inappropriate and against our community values of preserving the natural environment as stipulated in the KMCP that give our area its uniqueness and sense of place.*

*At the February 25, 2014 Pi'ilani Promenade Cultural Consultation Meeting the cultural importance of Ka'ono'ulu Gulch was discussed at length by several of the participants.*

*We need an EIS that shows alternate plans that include Ka'ono'ulu Gulch as part of the proposed project. It could become an open space greenway with walking paths along it that could incorporate the historic sites of the cultural landscape to retain both a "sense of place" and the integrity of this natural drainageway.*

**Response 9A:** In response to comments regarding Drainageway "A", the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff

archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

**B. Comments regarding Archaeological Inventory Survey (AIS)**

- *There are no documented archaeological sites recommended in the AIS for preservation. There are a few recommend for data recovery with the chance that some of those may be recommend for preservation. But, it is highly likely that the vast majority of these sites (if not all) will be destroyed and not preserved. This is unfortunate as this ahupua'a has a lot of history. The proposed action does not seem to support the integration of cultural/historic sites into the project plan. Recommendations to integrate historic sites into the project were made*

*at the February 25, 2014 cultural consultation meeting.*

- The AIS is inadequate because there is evidence that not all historic properties have been recorded. There are possible undocumented archaeological sites, midden scatters and artifacts.*
- At the February 25, 2014 cultural consultation meeting a request was made by consulting parties that included lineal descendants, cultural practitioners and other knowledgeable parties, to go on a site visit to the project area. We were told by Charlie Jencks, the owners representative, and Eric Fredrickson, the archaeologist, that this was doable. It would seem that the time is at hand to bring the cultural consulting parties and lineal descendants on the land for the following purposes: To help identify historic properties, consult on the cultural uses and significance of those historic/cultural properties.*
- The AIS does not comply with the Kihei-Makena Community Plan that "requires development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process" (Page 24 KMCP). There are archaeological sites adjacent to the project in Kulanihakoi Gulch that have not been documented in the AIS or the 2008 AIS of lands Mauka and south of the project. The need to include an additional survey of the Kulanihakoi Gulch was brought up at the February 25, 2014 cultural consultation meeting.*
- EIS should show an alternate action where cultural/historic sites are incorporated into the proposed action and not simply destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.*

**Response 9B:** In response to comments regarding preservation, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Xamanek Researches was contracted by a former landowner to conduct the 1994 AIS. That AIS, which identified 20 archaeological sites on the property, was accepted by the State Historic Preservation Division ("SHPD") by letter dated July 12, 1994.

In July 2011, Piilani Promenade engaged Scientific Consultant Services, Inc. to prepare an archaeological monitoring plan for the Piilani Promenade properties. That plan was accepted by the SHPD by letter dated August 10, 2011.

In March 2014, Piilani Promenade engaged Xamanek Researches LLC to update the July 1994 AIS. That updated AIS was accepted by the SHPD in January 2016. The updated survey identified 19 of the original 20 archaeological sites on the property. However, two of the originally identified sites (3734 and 3739) were

determined to have been destroyed/lost by post-1994 land altering activities. The updated AIS report contained the following mitigation recommendations:

- Data recovery was recommended for twelve (12) archaeological sites: 3727, 3728, 3729, 3732, 3735, 3736, 3741, 3742, 3743, 3744, 3745, and 8622. Note: the SHPD review/acceptance letter (Doc No: 1601MD08) contains a typo - it states 13 sites for data recovery (this is a simple addition error).
- No further work was recommended for six (6) archaeological sites: 3730, 3731, 3733, 3737, 3738, and 3740.

In July 2015, Piilani Promenade organized a site visit of its property for any interested members of the community. Following that site visit, two interested community members – Daniel Kanahele and Lucienne DeNaie – recommended to SHPD that the following seven (7) archaeological sites be preserved: 3730, 3731, 3732, 3736, 3740, 3745, and 8622. In addition, Mr. Kanahele and Ms. DeNaie also identified (i) an unmarked stone near archaeological sites 3727 and 3728, and (ii) an unmarked stone on the southwest portion of the Piilani Promenade property, and recommended to SHPD that these stones also be preserved. These seven archaeological sites and two unmarked stones are hereinafter collectively referred to as the “Community Sites”.

Having reviewed the revised 2015 Xamanek Report and considering the above recommendations of Mr. Kanahele and Ms. DeNaie, the SHPD accepted the updated Xamanek Researches LLC report and issued a letter dated January 6, 2016, accepting the specific mitigation recommendations contained in Xamanek’s updated AIS.

Notwithstanding the above, given the concerns expressed by interested community members, Piilani Promenade has agreed – in the spirit of cooperation – to meet with Mr. Kanahele, Ms. DeNaie and Xamanek to authenticate which sites have significance and preserve the appropriate Community Sites at reasonable locations on the Piilani Promenade property. Piilani Promenade will consult with Mr. Kanahele and Ms. DeNaie to determine a reasonable and appropriate means and location of preservation of the Community Sites.

In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis
- Jordan Hart
- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

The Applicant has submitted a data recovery plan as required and is currently under review by SHPD. The Applicant willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the Project site and where possible, development of a preservation plan for those sites. In addition, the Project AIS was accepted by SHPD on January 6, 2016. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In conclusion, the updated archaeological survey of the Project site was conducted in the summer of 2015, and one new historic property was located. The previously identified sites were registered in the State Inventory of Historic Places (SIHP) as No. 50-50-10-3727 through 3746. Of the original 20 sites, 17 remain and one new site was identified for a new total of 18 sites. Seven of these sites have been impacted to some extent by post-1994 earthmoving activities on the Project site. Of the impacted sites, Site 3734 (a rock pile) and Site 3739 (parallel boulder alignment) have essentially been destroyed. In addition, the Site 3746 petroglyph was removed from the Project site in late 1994 by a previous landowner. As such, a total of 18 sites are present within the Project site. No historic properties were located on the previously disturbed off-site portions of the Project site.

The SHPD issued a letter dated January 6, 2016 that accepts the AIS as final. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016"). Data recovery is now the recommended mitigation for twelve (12) sites, including Sites 3727-3729,



3732, 3735, 3736, 3741 through 3745, and newly identified Site 8266 (See: Table No. 2). A data recovery plan has been prepared and submitted to SHPD in June 2016 and is currently under review by SHPD staff. In addition the SHPD issued a letter dated January 6, 2016 that accepts the AIS as final. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulou Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

**Comment 10. C. Comments regarding Cultural Impact Assessment (CIA).**

*In the DEIS the CIA results are summarize as follows:*

*"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."*

- *CIA needs to include more interviews to be acceptable. There are more than just the two people selected in the CIA for interviews who can advance our understanding of the history of this land. PP staff and consultants met cultural practitioners, lineal descendants and others at the February 25, 2014 cultural consultation meeting some of whom have a practice on the land and in the ahupua'a and did not chose to interview them for the CIA, therefore, the CIA is incomplete.*
- *CIA needs to recognize that their are other cultural practitioners and lineal descendants of the area and their connection to the land.*
- *CIA states there are no cultural practices currently occurring on the land. That is not correct.*

- *CIA needs to recognize the impacts this project may have on Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes on and adjacent to the project area. This would include gathering practices at the Ka'ono'ulu seashore and in the nearshore waters for limu, fishes, etc..*

**Response 10:** Additional interviews with Michael Lee and yourself were included in the revised Cultural Impact Assessment Report (CIA) prepared by Hana Pono LLC and can be found in Appendix I of the FEIS.

In response to comments regarding cultural impacts, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

#### **4. Cultural Resources**

**Existing Conditions.** Hana Pono LLC. prepared a Cultural Impact Assessment (CIA) for the Pi'ilani Promenade to identify historical and current cultural uses of the project area and to assess the impact of the proposed action on the cultural resources, practices, and beliefs. The CIA included the Honua'ula Affordable Housing development parcel in its analysis. The CIA was conducted in accordance with the State of Hawaii Office of Environmental Quality Control (OEQC) guidelines for Assessing Cultural Impact Assessments. In response to consultation with the community and various government agencies, the Applicant retained Scientific Consultant Services (SCS) to prepare a supplemental CIA (the "SCIA") to include supplemental consultation and additional interviews with people who may have knowledge of the area. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017"). It is noted that the SCIA does not include the Honua'ula Affordable Housing development parcel however SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The project site is located in the Kula Moku and the ~~Waiohuli~~ and Kaonoulu ahupua'a in an area archaeologically known as the "barren zone". Based on a praxis of archaeological studies conducted on the "barren zone" in the region of the Project site, site expectation and site density is low. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017").

The area of Kihei that includes the project site has been severely disturbed from its original and unaltered state for many decades, by the effects of grazing cattle and

the construction of ranch roads, county roads and the construction of Pi'ilani Highway. The CIA indicates that any resources or practices occurring traditionally in the area are ~~no~~ non-existent and would have been obliterated. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Interviews with individuals (*kūpuna-kapuna/makua*) knowledgeable about the lands of the Kaonoulu ahupua'a were conducted in 2013 and in 2016 by ~~of~~ Hana Pono LLC-- as part of the CIA, and by SCS in 2016 as part of the SCIA. As noted SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel that includes interviews with the same individuals as the SCIA. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017"). The oral history interviews were conducted in order to collect information on possible pre-historic and historic cultural resources associated with these lands, as well as traditional cultural practices. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016"; see also Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017" and Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").).

A public information and cultural consultation meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DFEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing the return of the petroglyph boulder (which removed from the Project site and is preserved under a SHPD-approved preservation plan) and potential impacts to Kulanihakoi Gulch (which is not located on the Project site), some of the participants suggested that the potential archaeological sites could be incorporated into the design of the project or into its landscaping and the previously removed petroglyph stone be returned to the property. The Applicant has discussed the possible return of the petroglyph stone and the former owner (Kaonoulu Ranch) rejected this request given the fact that the relocation and a preservation plan was submitted and approved by SHPD.

As a follow up to the February 25, 2014 meeting, the Project team's archaeologist and cultural consultant participated in a site visit on January 22, 2016. Following

the January 22, 2016 site visit, a request was made from the Aha Moku for a further cultural consultation meeting. The meeting was held on April 27, 2016, and a transcript of the April 27, 2016 meeting is available as Appendix A to the Supplemental Cultural Impact Assessment. (See: Appendix I-1 "Supplemental Cultural Impact Assessment dated March 2017"). As part of the SCIA, SCS reached out to 21 persons for consultation, 3 of whom responded and wanted to be interviewed.

***Potential Impacts and Mitigation Measures.***

In general, concerns expressed by the community in these site visits, meetings, and cultural consultations focused on the potential presence of undocumented archaeological sites within the Project site that may be impacted by development of the Project. As documented in Section III.8 of this FEIS, an Archaeological Inventory Survey undertaken and completed by Xamanek Researches in July 1994 identified a total of 20 archaeological sites within the Petition Area. The Archaeological Inventory Survey prepared for the DEIS identified an additional archaeological site on the Project. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015"). In addition, To monitor these sites, an archaeological monitoring plan was prepared and submitted to SHPD for review and approval, and was approved and referenced for all recent work on the site. The monitoring plan may be found in Appendix H and will be updated once project construction is initiated. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015").

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the potential for traditional cultural practices conducted within the greater ahupua'a to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The CIA reports that the proposed project will have no ~~has no~~ significant effects impact on to cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights

exercised within the Project site, such resources --including traditional and customary native Hawaiian rights--will not be affected or impaired by the Project. Accordingly, there are no feasible actions needed to reasonably protect native Hawaiian rights. See Ka Pa'akai O Ka' Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000).

**Comment 11.**

*D.) Cultural Consultation at February 25, 2014 Meeting with cultural practitioners, lineal descendants and knowledgeable parties ignored or not taken seriously.*

*Many suggestion and recommendations by cultural consultants were offered at this meeting. But most of them did not receive any consideration in the DEIS or follow up.*

- A request was made for a site visit to project area. That has not happened yet.*
- A request was made to survey Kulanihakoi gulch adjacent to project for archaeological sites. That has not happened yet.*
- Importance of natural gulches as drainageways and native cultural resources was emphasized repeatedly as it pertained to recharging ground water and supporting limu and fisheries and the importance of protecting the natural flow of gulches and not tampering with it. Yet, this consultation has not seem to affect the proposed action to bury Ka'ono'ulu gulch.*
- A request was made to include some of the participants at the meeting in the CIA. That has not happened.*
- Some other recommendations from the meeting are discussed in my comments above.*

**Response 11:** In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis
- Jordan Hart

- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

The Applicant has submitted a data recovery plan as required and is currently under review by SHPD. The Applicant willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the Project site and where possible, development of a preservation plan for those sites. In addition, the Project AIS was accepted by SHPD on January 6, 2016. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In conclusion, the updated archaeological survey of the Project site was conducted in the summer of 2015, and one new historic property was located. The previously identified sites were registered in the State Inventory of Historic Places (SIHP) as No. 50-50-10-3727 through 3746. Of the original 20 sites, 17 remain and one new site was identified for a new total of 18 sites. Seven of these sites have been impacted to some extent by post-1994 earthmoving activities on the Project site. Of the impacted sites, Site 3734 (a rock pile) and Site 3739 (parallel boulder alignment) have essentially been destroyed. In addition, the Site 3746 petroglyph was removed from the Project site in late 1994 by a previous landowner. As such, a total of 18 sites are present within the Project site. No historic properties were located on the previously disturbed off-site portions of the Project site.

The SHPD issued a letter dated January 6, 2016 that accepts the AIS as **final**. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016"). Data recovery is now the recommended mitigation for twelve (12) sites, including Sites 3727-3729, 3732, 3735, 3736, 3741 through 3745, and newly identified Site 8266 (See: Table No. 2). A data recovery plan has been prepared and submitted to SHPD in June 2016 and is currently under review by SHPD staff. In addition the SHPD issued a letter dated January 6, 2016 that accepts the AIS as **final**. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.



During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulu Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

In response to comments regarding Drainageway "A", the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740.

The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

In response to comments regarding CIA interviews. Additional interviews with Michael Lee and yourself were included in the revised Cultural Impact Assessment Report (CIA) prepared by Hana Pono LLC and can be found in Appendix I of the FEIS.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Hart', with a long horizontal line extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodener, Executive Officer, LUC  
Project File 13-029



October 6, 2014

Applicant:  
Pi'ilani Promenade North, LLC  
Pi'ilani Promenade South, LLC  
c/o Sarofim Realty Advisors  
8115 Preston Road, Suite 400  
Dallas, Texas 75225

Accepting Authority:  
Land Use Commission  
Department of Business & Economic Development  
State of Hawaii  
P.O. Box 2359  
Honolulu, HI 96804-2359

Consultant:  
Chris Hart & Partners, Inc.  
Attn: Jordan Hart  
115 North Market Street  
Wailuku, HI 96793

Re: DEIS for Pi'ilani Promenade TKM: (2) 3-9-001: 016,170-174

Maui Tomorrow Foundation appreciates the opportunity to review the proposed plans for the Kaonoulu Industrial Park site. We offered comments on the project's EISPN and find that much of the information we asked to be included in the DEIS is still missing.

It does not include adequate discussion in a number of key areas and the project site map (Fig 3) is inadequate for understanding the project and its impacts.

We ask the Land Use Commission (LUC) to require compliance with 11-200-16 which describes content requirements for an environmental document. It states: "*The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action.*"

#### C. PROJECT BACKGROUND

We commented on lack of environmental review for the proposed 13-acre Honua'ula affordable housing project which is dependent on the proposed 75-acre Piilani Promenade (PP)

Commercial/Residential project for basic infrastructure needs. We asked that both parcels be included in the DEIS.

The DEIS notes that: *"...the impact of the proposed development of the Honua'ula [Honua'ula Partners LLC (HPLLC)] Parcel is included as necessary background information."*

This is a violation of HAR 11-200-7, in that the impacts of any proposed project on the 13 acres should be examined in the DEIS as a matter of law regardless of ownership of the parcel. Honua'ula Partners LLC (HPLLC), owners of the 13 acre parcel, has common ownership with Maui Industrial Partners, the former owners (until 2009) of the entire 88 acre Piilani Promenade project parcel.

HAR 11-200-7 states in part: *"[a] group of actions proposed by an agency or an applicant shall be treated as a single action when:*

- A. The component actions are phases or increments of a larger total undertaking*
- B. An individual project is a necessary precedent for a larger project*

The PP project relies on parcels owned by others for its water tank and water tank access road. They are included for impact analyses in the DEIS.

The PP project's irrigation well is located on the 13 acre HPLLC parcel.

The housing proposed for the 13 acres HPLLC parcel cannot be built unless PP project Phase I creates an access road, relocates the Central Maui water pipe, and completes other related infrastructure projects. PP project must take place or the HPLLC project cannot. The two cannot be segmented.

The HPLLC Parcel (TMK (2) 3-9-01:169 - 13 acres) and its prospective use should be fully included and examined in every section of the DEIS but it is not.

The DEIS does not discuss whether the HPLLC project could be built without the 75 acre PP project providing its basic infrastructure - roads, water lines and storage, sewer lines, power lines and other utilities. Will the two multi-family housing projects share the referenced "park?" Unless it is made clear that the two projects do not depend upon actions taken by the other, they should both be covered in the DEIS.

## II. D. Project Description

DEIS: *"A network of vehicular roadways, bicycle and pedestrian pathways will establish connectivity throughout the project and will provide opportunities for connection with adjoining properties along Piilani Highway."*

Comment: Will the roadways, bicycle, and pedestrian paths actually connect with any adjoining properties, or merely give "future opportunities." How will the 1995 Land Use Commission (LUC) condition requiring a frontage road connecting to neighboring properties be fulfilled if the project is not successful in amending its LUC Decision to delete this condition? We ask the FEIS to address this.

DEIS: *"In addition the proposed project will include the construction of a portion of the future Kaonoulu Street Extension and two (2) Piilani Highway road-widening lots."*

Comment: This roadway is described as serving as a four-lane divided highway but pedestrian access across the four lanes, both to the project site and the new Kihei High School, is not discussed in the DEIS. Instead, the school access is listed as an “unresolved issue.” It should be considered an impact requiring mitigation.

## F. ALTERNATIVES

MTF asked that the DEIS include alternative project designs that could avoid elimination of Kaonoulu gulch and cultural sites; include management of increased traffic volume; and comply with the LUC condition for a frontage road. None of the proposed alternative designs include any of these items, and seem to be based on unsupported assumptions rather than reliable data.

DEIS: *“The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui’s economic diversity and social fabric”*

Comment: It is unclear how this residential community will be connected to adjacent existing or future neighborhoods since there is no commitment to create a greenway or pedestrian connection. The neighborhood will be surrounded by urban-level highways and auto-centric commercial uses.

The TIAR assumes that Level of Service will be acceptable and existing roads and neighborhoods will not be impacted as long as new traffic signals and turn lanes are installed as mitigations. In reality the project will face challenges in managing increased traffic volume.

The TIAR assumes a new upper north-south road will connect Ohukai and Lipoa roads above the project area. What is the basis of this assumption?

The TIAR does not meet the standards set by 11-200-16 HAR and the FEIS should include alternative designs that would minimize traffic impacts.

The DEIS does not refer to consideration of any project design that could avoid elimination of Kaonoulu gulch, a natural and cultural feature that is part of Maui’s history and “sense of place” for the region. Since the EISPN acknowledges the region’s soil type is subject to “severe erosion hazard” a more natural project design would seem prudent. Alternative project designs that address this option should have been included in the DEIS.

The project parcel has a variety of traditional habitation sites, several with ceremonial use, yet the site’s natural and cultural resources are given no value in the discussion of alternative designs. One of the primary goals of the Kihei-Makena Community Plan (KMCP) is to protect cultural sites that foster a “sense of place” as the area develops.

The three alternatives presented are insufficient to meet the standards of HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17 which specifically requires projects to discuss “alternative project designs” especially those which would minimize impacts to natural, cultural and environmental features. There is no discussion of any modifications in site design that might combine desirable features from one alternative with those of another, while minimizing impacts.

1. No Action Alternative (examines the Industrial Park design approved by the LUC):

DEIS: *“The owner/developer has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative.”*

No reliable figures are offered to support this conclusion.

No alternatives that combine the original project with some updated features are discussed.

Assumption: “Mixed-use neighborhood centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern. Under this alternative (“No-Action”), the project would not satisfy the Maui Island Plan.”

Comments: The “No Action Alternative” which provides for a light industrial area does comply with both KMCP and the Maui Island Plan (MIP).

The KMCP makes it clear that more light industrial facilities are needed as Kihei grows.

The KMCP directs future commercial growth to makai (ocean-side) of Piilani Highway because more commercial operations mauka of the already stressed Piilani Highway would generate more traffic.

The KMCP has language specific to this particular parcel asking to limit commercial use in this location.

The Preliminary Engineering report (Appendix L) shows that the original industrial park design (“Kaonoulu Marketplace” from 2006), which included some commercial space, had approximately one-third of the drainage impacts (106 cfs) of the currently proposed PP commercial center (291 cfs). An alternative design analysis addressing this should be provided in the FEIS.

The “mixed use developments” discussed in the MIP are usually larger residential projects with a moderate percentage of their land providing neighborhood-level commercial uses. The PP project appears to be over 80% commercial use and around 17% housing.

As currently planned there is no way children living in the proposed housing could safely walk or bike to the proposed high school or other existing schools. The DEIS projects only 60 to 70 school age children living in the 226 housing units although it is promoted as “near to schools.”

There is no analysis provided for how many individuals renting the apartments are likely to walk to work nearby. If the Workforce Housing Ordinance is amended, as proposed, only 56 affordable units will be created in this project. The DEIS does not discuss who will be able to afford these units.

This section should describe a mixed-use industrial park design including work-live units with dwellings on upper stories and adjoining multifamily rentals (possibly built by housing non-profit). This alternative could provide reasonably priced space for new businesses and more housing at needed price ranges rather than the 56 units likely to be the result of the currently proposed alternative. This compact design could allow flexibility to preserve more of the natural and cultural features of the land, create an east-west greenway, minimize drainage impacts, and create a sense of place, much desired in the Kihei area.

The FEIS should include additional "low impact" compact designs that allow storm water flows to be absorbed by the natural "drainage-way" through the project area, preserving cultural sites as advocated by cultural practitioners. These options are not discussed but are required by HAR 11-200-17.

### III Affected Environment

DEIS: *"The development of the site is not expected to have a significant impact on the existing land uses makai of the site."*

#### Comments:

Traffic: The development will greatly increase the amount of vehicles to the site each day and will impact residents immediately makai through increased traffic congestion.

The DEIS should have acknowledged these impacts and discussed mitigations. Instead, the TIAR claims traffic counts will be manageable with general road improvements in the area.

The traffic figures produced in the project's TIAR should have included traffic from other projects that will also use Piilani Highway for their main access. The cumulative effects of numerous projects will worsen traffic impacts and affect residents' quality of life.

#### Noise:

The DEIS states on p-. 34 that the *"largest total increase (1.7 to 2.6 DNL) in traffic noise level is anticipated to occur along Kaonoulu Street."* Although this level does not exceed federal standards existing neighborhoods will be impacted by increase noise pollution.

#### Drainage:

The development will eliminate the natural gulch's ability to absorb drainage flows. This is not discussed as an "impact" since the flows during storms will be "intercepted" offsite and transported to Kulanihakoi gulch.

The DEIS assumes this a preferred outcome and provides no analyses of how much storm water the natural site now absorbs, making calculation of environmental impacts difficult.

DEIS: *"The proposed development will not impact or discharge storm water runoff into the Kulanihakoi Gulch and would provide additional housing in close proximity to the planned Kihei High School."*

Comments: The housing described as "in close proximity" to the proposed high school is separated from that site by a wide gulch (which the DEIS should note.) Unless the project provides an overpass across the gulch, as the community requested, the only safe access will be by vehicle (not supporting the County of Maui "walkable, bikeable" goals).

Storm water discharge from the project will be discharged into and impact Kulanihakoi gulch. The DEIS only refers to "new flows generated by the project" remaining onsite and "out of the Kulanihakoi gulch."

The DEIS states that 85 cfs (1 cfs= 500 gallons) of "pre- development flows" will still be sent into Kulanihakoi gulch, as currently happens, with the same intense flooding and water quality impacts left unaddressed.



No mechanism is offered to monitor drainage impacts. Will only 85 cfs flow through the PP site during storms or will the flow, increased under certain conditions, overwhelm the planned underground storage basins? The proposed “mitigation” does not comply with 11-200-17 HAR asking the EIS to include “Provisions proposed to assure that the mitigation measures will be taken.”

Flows from ranch lands above the PP project site, once partly absorbed by this undeveloped land, will now be diverted to Kulanihakoi gulch by a “drainage improvements” pipe system, with no opportunity to be absorbed by pervious surface. No mitigation is being offered to lessen or slow the velocity of intense storm flow volumes (498 cfs), which periodically overwhelm the coastal areas makai of the project site. The DEIS fails to discuss this lost capacity to absorb storm flow. Transporting the majority of storm water offsite is the mitigation offered, even though Kulanihakoi gulch, below the project site, is a major flood zone during rainstorms.

The DEIS does not acknowledge that the lands makai of the project site have been developed with inadequate provisions for natural storm water absorption capacity. This project will compound that lack of capacity and the extreme flooding events that result, by continuing to send the same amount of storm water offsite. Instead, the DEIS concludes that there is adequate capacity makai of the project site to absorb flows that will pass through the PP project. Numerous photographs exist of floods in this area disputing this assumption.

The natural wetlands that once allowed the massive flows of Kulanihakaoi to be absorbed are now confined to a narrow channel. To mitigate this situation this project and those surrounding it should secure an open space easement around the existing wetland channel and work with local agencies to restore the wetland area and its capacity to absorb storm flows. This long term mitigation should be discussed in the FEIS and we request that it be included.

## 2. Topography and Soils

DEIS: *“The project site is mauka of Piilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal vegetation.”*

### Comments:

The above statement should be revised to be consistent with the biological information provided and indicate that the area has seasonal vegetation.

The area has abundant vegetation when rains come. The updated archeological report included in the DEIS mentioned the high vegetation that obscured the work of the archaeologists and included pictures of lush foliage.

The parcel had many kiawe trees along Kaonoulu gulch (‘unnamed Drainageway A’) before they were bulldozed in 2012. The Botanical Survey report summarized on p. 29 of the DEIS states: *“The Kiawe trees create an open woodland area cross the entire property with denser growth along the rocky gully.” (i.e. “Drainageway A”/ Kaonoulu gulch )*

The 1994 archaeological report mentions the proliferation of native pili grass, a culturally important plant and one interviewee in the Cultural Impact Assessment (CIA) described a mango grove in the project site area.

DEIS: *“includes an unnamed natural drainage way (Drainageway “A”) that runs in a northeast-to-southwest direction across the site before converging with the main stem of Kulanihakoi Gulch makai of Piilani Highway. “*

Comments: A glance at older maps of the region (example: USGS maps from 1920s) show that this gulch is one of the numerous tributaries of the Kulanihakoi gulch, indicating the importance of Kulanihakoi and all its tributaries as the major watercourse for the region. The topography of the parcel slopes towards this gulch from both the north and south sides and is a major feature of the landscape.

The “unnamed drainageway A” should not be eliminated as it passes through the project site as proposed. The DEIS doesn’t discuss this impact to a major feature of the parcel.

The archeological report shows a number of former habitation areas, indicated by “midden scatters” (prehistoric debris, such as shells and stone tools) that lie along this gulch, indicating the area’s historic and cultural importance.

The DEIS soil report describes the project as having poor quality soil for agriculture but doesn’t appear to have done soil testing or analyses of the area. Many core tests were done throughout the property as part of engineering studies and could offer soil profiles for an accurate view of the soil characteristics.

This is a high impact area for potential dust, erosion and degradation of down-slope water quality. Potential mitigation measures to prevent soil erosion are prefaced by the word “may” rather than “shall” and are not reassuring. The FEIS should summarize the soil erosion/dust mitigation measures that the project will commit to and also discuss alternative plans should these measures prove insufficient.

Will the onsite well be available to irrigate plantings in disturbed areas as proposed? There is currently no electrical hookup. Please state the source of irrigation water to stabilize new plantings.

### 3. Natural Hazards

Comments: Flood Maps (referred to in DEIS as “fig. 9”) are actually Fig 10. Fig. 9 is a Soils map.

Fig 10 Flood map shows the area immediately makai of the project as a significant flood zone.

Flood impacts occur from activities upslope. The DEIS should indicate that the project site lies immediately mauka of areas identified as high flood risk zones and discuss appropriate mitigations, such as improved down-stream flood water capacity.

The DEIS states that the project site is outside of any flood zone. This statement is not compliant with content requirements for EIS documents which require nearby wetlands, flood zones, and hazard areas to also be included in the discussion of potential impacts.

The PP engineering report (Appendix L) states that all storm water generated by the project modifications will be directed to onsite underground or above-ground basins but there is no discussion of what happens when the capacity of those basins is exceeded.

The DEIS can not assume that the basins will always function as desired, especially when so little information is provided on the project's soils or the depth of the water table. In many areas of Kihei the water table is 8ft below the surface; will the basins reach that depth? Has soil testing been done as part of well drilling? This information should be provided in the FEIS.

#### 6. Air Quality

Comments: The year 2018 analyses of air quality impacts from vehicle emissions should include cumulative impacts from more than just the proposed project and the proposed Honua'ula housing development as the proposed Makena Resort expansion, Wailea Resort projects, expansion of the nearby High Tech Park, Kihei High School and proposed Kihei Town Center will all increase vehicular trips and emissions along Piilani Highway.

The FEIS should base its emissions evaluations on the number of cumulative trips for all projects that rely on Piilani Highway as a primary access route.

The 2018 figure may not be an accurate benchmark to use; a range of 2018 to 2022 may be more accurate in determining impacts and mitigations, given that the PP project will be built in two phases and the high school may not be built until 2020.

#### 7. Noise

DEIS: *"The existing traffic noise levels in the project environs along Piilani Highway are in the "Significant Exposure, Normally Unacceptable" category, and at or greater than 65 DNL (Day-Night Average Sound Level) at the first row of existing homes on the makai side of the highway."*

Comment: The DEIS does not address how increased noise levels from Piilani Highway or the future Kihei-Upcountry Highway (KUH) will affect the new Kihei High School.

DEIS: *"The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities to the north of the project site."*

Comments: Will the project mitigate noise levels other than "informing residents?" Will there be landscape berms, sound attenuation walls or other design strategies employed; will the housing units nearest the noise impacts be the most "affordable?" The FEIS should discuss these issues.

#### 8. Historical and Archaeological Resources

MTF asked that the DEIS discuss how the extent of supplemental archaeological review will comply with KMCP "Cultural Resources Implementing Action b?"

*"Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process."*

Comments: The discussion of historic and archaeological resources in the DEIS notes a separate archaeological study (Shefcheck, 2008) ) for adjoining parcels owned by Kaonoulu Ranch included in the DEIS as an Appendix.

No summary of the findings of this study was included in the DEIS except for the statement that: *"The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch."* In fact, the study shows one site along the gulch at the project parcel.

Cultural practitioners have stated that this study did not record a number of visible cultural sites of some substance found between PP's eastern fence-line and the slopes of Kulanihakoi gulch. We ask that the project comply with the KMCP and identify and discuss all cultural resources located within, or adjacent to, the project area.

Other Comments:

DEIS: *"The majority of the sites were associated with ranching and World War II military activities, while the petroglyph and surface scatter remains were interpreted as possible pre-contact sites."*

The PP project's AIS (1994) indicates that only four of the 20 recorded sites were believed to be associated with WWII military activities and one with ranching.

Six sites, the five midden scatters, and the petroglyph were determined to be pre-contact, while 10 of the 20 sites (including the six pre-contact sites) all had evidence of pre-contact tool making, artifacts, or midden nearby, or as part of the site. The FEIS should reflect this.

Potential Impacts and Mitigation Measures.

Cultural practitioners believe that there are a number of unrecorded archaeological sites, artifacts and midden scatters on the PP property (which they have documented) and are asking State Historic Preservation Dept. (SHPD) for further field surveys of the site.

Cultural practitioners indicate that a number of pre-contact sites on the property have specific cultural uses and importance, including ceremonial sites which serve as observation markers for celestial events. This information was not included in the summary of the February 25, 2014 public consultation meeting and should be added to the FEIS.

Cultural practitioners are working with SHPD to get these sites recorded/protected in a revised site plan and ask the FEIS to include a conceptual project site design where important cultural sites are protected.

Cultural practitioners have stated in consultation meetings that natural features such as the Kaonoulu ("Drainageway A") gulch and view planes of the area be considered cultural resources with impacts mitigated.

Cultural practitioners ask that the highly significant petroglyph marker, illegally removed from the site in the 1990's and then the subject of an after-the-fact permit, be returned to the site in a place of honor when the property is developed. The petroglyph was mentioned in the DEIS, but not the cultural status of the gulch. Please correct this omission in FEIS.

An AIS study of an adjacent parcel owned by Kaonoulu Ranch (Shefcheck, 2008) was included in the DEIS in an attempt to satisfy SHPD requirements that impacts to sites found in Kulanihakoi gulch be evaluated. This study fails to document sites visible in Kulanihakoi gulch and its slopes and needs to be supplemented.

These undocumented sites near the PP parcel should be fully recorded as part of the FEIS as they are in an area where heavy equipment may be operating. Cultural practitioners have asked the landowners to arrange a site visit with project archaeologists to allow practitioners to identify sites of concern. The FEIS should note that this request and respond.

As noted in the “Unresolved Issues” section of DEIS, the PP revised AIS (2014) and its recommendations of additional data recovery has not yet been accepted by SHPD.

## 9. Visual Resources

MTF asked that the DEIS include proposed mitigation strategies for loss of mauka view planes. While the DEIS mentions mitigations, not a single map, exhibit or diagram is provided to illustrate proposed building heights in relationship to view planes; proposed view corridors, or any other mitigation.

The KMCP states (under “Opportunities: Natural Resources” section) that such views are an important feature of the region and must be considered. The Community Plan states: *“The mauka view from Pi’ilani Highway represents a major view plane. Significant views of the mountains and surrounding agriculture should be preserved to the greatest extent practicable.”*

Alternative project designs should be included in the DEIS which address impacts to view planes. Preservation of Ka’ono’ulu gulch and creation of an adjacent view plane corridor could be one such strategy. No alternative plans mention view planes.

Other Comments: The FEIS should include illustrations of the location of open space view corridors, trails and buffers, and proposed building heights in relationship to existing building heights in the project vicinity, as well as other visual resource mitigations proposed.

The site plan provided (Fig 3) in the DEIS is inadequate. Will the extension of Kaonoulu Road be considered a “view corridor?”

Cultural practitioners are concerned about view planes associating the site with the sacred land form of Pu’u o Kali (commonly called “Red Hill”) known as the physical embodiment of the legendary mo’o goddess. They believe the site has archaeological features having to do with traditional observation of the horizon and connected with traditional fishing practices.

Please address the view planes to Pu’u o Kali in the FEIS and provide clear maps and images of mitigations planned for this and other view planes.

## 10. Agricultural Resources

Comments: The DEIS refers to agricultural fields immediately upslope of the project area: *“Monsanto Seed Farm is located northeast of the proposed utility and waterline easements.”* yet it claims the project site is worthless as farm land. Maps show Monsanto fields begin at the NE corner of parcel 169, once part of the original 88 acre Kaonoulu Industrial Parcel. The soil map. (Fig 9) shows the soil types as identical.

Historic maps show a large nursery operation adjacent to the project site (Hashimoto Farm.)

Section 7.1.2 of the Environmental Site Assessment states: *“Aerial photos indicate that agricultural activities occurred north of the subject property from the early 1960s up until the mid-2000s. Presently, limited diversified agricultural activities continue on the residential property located immediately west of the proposed utility/roadway easement off of Ohukai Road.”*[Monsanto fields]

The FEIS needs to address whether the soils in this area are unsuitable for farming, or need irrigation. The fact that the land was urbanized has little to do with its agricultural potential. The FEIS should accurately describe the agricultural history of the area.

## 11. Groundwater Resources

MTF asked the DEIS to discuss where the project's water will come from and what quantity will be used for potable consumption and landscaping. What water conservation strategies are planned, including R-1 water? The DEIS estimates water use but does not reveal a source for potable water nor discuss impacts to Kamaole aquifer from the non-potable irrigation well.

DEIS: *"Piilani Promenade will consume an average of 252,000 gallons of water per day (gpd) at build-out, including 171,000 gpd of potable water for domestic uses and 81,000 gpd (121 mgd maximum) of non-potable water for irrigation. (Appendix L)*

Comments: The DEIS does not state the source of the quarter million gallons a day (256,430 gpd) of potable water needed at peak demand. It fails to note the peak demand, rather than average demand, for potable and non-potable water (the figures are in Appendix L engineering report). 11-200-19 HAR requires that the EIS be "an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference." This information should be included in the FEIS.

The DEIS does not state whether the County of Maui Dept. of Water Supply (DWS) system currently has that amount of unallocated source water. The FEIS must define the project's water sources since no impacts/mitigations to groundwater resources can be determined without this information.

DEIS: on non-potable onsite well-*"The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed." The engineering report notes 81,000 to 121,000 gal a day will be needed.*

Comments: No information or analyses about possible impacts to thirteen irrigation wells located down-slope of the project's well are included in the DEIS. A list of the surrounding wells and a map are in the appendices (Appendix B.)

No well drilling report is included in the Preliminary Engineering Report and should be included in the FEIS regarding impacts of this new non-potable groundwater source.

Impacts to the Kamaole aquifer, where the well is situated, should be addressed as well as impacts to other nearby wells.

The DEIS should provide more information on near shore impacts of groundwater pumping beyond Appendix J where the "baseline chemistry" of the Kihei coastline is discussed.

Traditional fisheries, including vana and limu gathering practices, could be impacted. Kaonoulu and Waiohuli are well-known for these marine resources. The Cultural Impact Assessment does not mention these resources. The FEIS is incomplete without this information.

The "marine baseline" study by Dr. Steve Dollar is inadequate, based upon a single day of data gathering, with no reference to other available long term studies of the area.

From: Baseline Assessment Marine Water Chemistry and Marine Biotic Communities Report: Appendix J

DEIS, Ap. J: *“As a result, potential effects to the marine environment from the project are limited only to alteration of basal groundwater flowing beneath the site with subsequent discharge to the ocean.”*

Comments: Information in the Baseline Assessment report is based upon a one day research sampling with no mention of plans to conduct future monitoring. Sampling was limited to near shore (30 m) waters; it is unclear whether areas further offshore were sampled for temperature changes indicating groundwater discharge. Information to address the impacts to near shore freshwater inputs from pumping the project's non-potable well should be included.

The Appendix J report stated: *“If the existing groundwater input is of a minor extent, it can be assumed that there is not sufficient input for any subsidies from the project site to affect water quality to a detectable degree.”*

The report only analyzed “subsidies” or increased discharge of groundwater into the marine environment from onsite drainage inputs; it never considered the impacts of pumping over 100,000 gpd of groundwater (at peak demand) on marine zone groundwater discharges.

If current groundwater discharges are present (which the report confirmed) but not in robust amounts, the proposed brackish well pumping could eliminate the freshwater discharge entirely. The effect of this scenario must be included in the FEIS.

## B. SOCIO-ECONOMIC ENVIRONMENT

### 1. Population

DEIS: *“When fully built out, the total resident population of the multi-family developments is projected to be 607 persons.”*

Comments: If the 250 units are built on the adjoining HPLLC parcel (parcel 169) it would have around 670 additional residents (using same density rates as the 226 apartments.) The effects of increased residents should not be segmented out of population discussions in the DEIS.

Both housing projects will share the same potable water system, non-potable water system, primary sewer lines, roadways, etc. and they cannot be segmented. The HPLLC project cannot be constructed unless the Kaonoulu Road extension is built.

### 2. Housing

#### Potential Impacts and Mitigation Measures

DEIS: *“The proposed project includes the construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.”*

Comments: The FEIS should discuss the range of that required percentage as the PP project promotes providing affordable housing.

If the current Workforce Housing ordinance is amended to require only 25% affordable units, as is under discussion at the Maui County Council, this project will result in 56 affordable apartments rather than 112. This should be made clear in the FEIS since the owners' representative is among those asking for the change from 50% to 25%.



The FEIS should clearly define “affordable” as it applies to this project in order to be complete. The DEIS omits any reference to speculation and marketing to off shore demand as significant factors in the cost of Maui’s housing although experts acknowledge both trends present a formidable challenge to providing sufficient affordable housing.

### 3. Economy

Comments: The DEIS is missing key information relating to project “need.” It does not indicate how much commercial space in South Maui is currently available; vacancy rates over the last five years; or the vacancy rates compared to rental costs per square foot. If Kihei area has an “average of 63.4 square feet {of commercial space} per resident” as the DEIS contends, and has a vacancy rate comparable to or higher than the national or state average, it may only have the consumer base to support that 63.4 sq ft/ resident rate and not the higher rate the DEIS promotes.

DEIS: *“The Economic and Fiscal Impact Assessment estimates the projected demand for new residential units in Kihei-Makena is 7,250 – 11,500 units through 2035.”*

Comments: The MIP and its economic forecasts estimate the projected demand for housing in Kihei-Makena as 5,500 already entitled units (including 250 units in the original Kaonoulu project and 1,500 additional units needed for a total of 7,000 units). The FEIS should indicate how many of those projected units will meet offshore second home demand vs. full time residents.

DEIS: *“Piilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.”*

Comment: The DEIS does not provide detailed information to substantiate claims of the project’s economic importance.

### 4. Cultural Resources

DEIS: *“The project site is located in the Kula Moku and the Waiohuli and Kaonoulu ahupua’a.”*

Comment: The project is located entirely in the Kaonoulu ahupua’a. The project’s AIS (1994 and 2014) clearly states this and fig 7 map in the AIS (2014: p. 20) shows the project area entirely within the Kaonoulu boundary. Please correct this in the FEIS.

DEIS: *“The CIA indicates that any resources or practices occurring traditionally in the area are now non-existent and would have been obliterated.”*

Comments: The PP CIA draws this conclusion because consultants submitted their CIA report in December 2013 without input from cultural practitioners as offered at a February 25, 2014 gathering with the landowners’ representative and archaeologist (referenced in the DEIS). Attaching meeting transcripts is not the same as including practitioners comments in the CIA.

Oral history interviews in the CIA revealed no cultural impacts because those who have a cultural practice on the land were not included in the interview process.

DEIS: *“The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any*

*access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.”*

Comments: Several individuals have cultural practices associated with this land including Sally Oshiro and Kumu Michael Lee, while others have gathering and other cultural practices along the Kaonoulou shoreline and in Kulanihakoi gulch. .

Development of the site, as proposed, with no mitigations to protect a number of important cultural features will impact cultural practices on the land.

Cultural practitioners believed their comments would be incorporated into the CIA after the Feb 25, 2014 meeting and asked for a site visit which has not yet been arranged. The CIA should be updated to include comments from these individuals and other cultural practitioners and lineal descendants of the area who would like to participate in order for the CIA to be accurate and the FEIS deemed complete.

### 3. Police and Fire Protection Services

MTF asked that the DEIS discuss whether additional fire and police staff will be needed to service the 450 new units? If so, how many, and at what cost and phasing? The DEIS concluded that 607 more residents would not affect policing needs.

Comments: The DEIS does not address the combined increase in population of the PP and HP residential areas which would be over 1200 new residents. It also did not discuss any increase in police and fire service that may be needed by the project's commercial properties and should be included in the FEIS.

### 4. Schools

Comments: The DEIS assumes that only one out of three households in the proposed PP project would have one school age child yet the project mentions the positive contribution it will make by allowing families to live where their children can walk to school.

The DEIS gives no basis to calculate the low numbers of potential students from the 226 units. Is it based on the number of 2 bedroom units; will a portion of the 226 units be for senior housing?

The fact that Kihei needs another elementary and intermediate school is not emphasized in the DEIS and the conclusion, in table 2, that Kihei School enrollment (currently over capacity) will drop next year, needs a source. No students from the 250 HP units are included in any calculations. The FEIS should address this and segmentation of the connected sites.

### 5. Solid Waste

MTF asked the DEIS to discuss how much waste will be generated by each use category? Will commercial facilities have programs to reduce packaging materials associated with imported goods shipped to Maui?

Comments: The DEIS does not address this or whether property owners will provide any recycling opportunities for the large amount of packaging, pallets and other solid waste generated by commercial and industrial businesses. The FEIS should discuss this mitigation.

## D. INFRASTRUCTURE

### 1. Roadways

MTF asked that the DEIS improve its TIAR since the past TIAR for the Kaonoulu/PP project downplayed the amount of traffic trips generated; it did not include traffic impacts from the adjoining 13-acre Honua'ula affordable housing project.

DEIS: *"Piilani Highway is a four-lane, undivided highway with a north- south orientation connecting Mokulele Highway to the north with Wailea Resort to the south."*

Comment: Piilani Highway was designed as a two lane undivided highway that was "re-stripped" to accommodate four lanes. Each lane is less than standard width; the highway is considered "substandard" by federal standards and its accident rate is high under existing circumstances. The DEIS should have discussed this in detail as it affects the community's health and safety.

DEIS: *"However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road."*

Comments: The residents of the proposed 250 Honua'ula units would need to access Kaonoulu Road from Piilani Highway which will impact traffic counts there as well. To not include this in the Piilani traffic count analyses is to segment the impacts of the HPLLC project. The TIAR (Appendix M) figures show trips to the Honua'ula homes along both Piilani Highway and Kaonoulu Street. The FEIS should adequately address this.

DEIS: *"The level-of-service analysis confirmed that the following improvements should be implemented to satisfy 2025 traffic impacts: The mauka roadway should be completed between Ohukai Street and Lipoa Street."*

Comments: The PP project's TIAR in Appendix M anticipates that between 1300 and 1500 daily trips will be made along this upper road not currently built. Do TIAR calculations assume vehicles will use this nonexistent route instead of Piilani Highway? If so, the FEIS should provide Level of Service for Piilani Highway after the PP/HPLLC build-out, with and without this improvement. Projects often take decades to complete and the FEIS will be incomplete without this key information.

### 2. Drainage

MTF asked the DEIS to clearly describe where onsite and offsite storm water drainage will end up on the PP and HPLLC project sites and what impacts the projects could have on the flood prone area immediately makai. Will pervious parking surfaces be installed? Will rain gardens be built into the residential landscaping? Information was incomplete in the DEIS.

DEIS: *"This minor drainage is not recognized as a regulated drainage way, there is no documented evidence of a name for the drainage yet individuals have referred to the minor drainage as a Kaonoulu Gulch."*

Comment: This gulch is labeled "Kaonoulu" on some older maps. The same name is given to another much higher elevation tributary of Kulanihakoi gulch on other maps. It is common for gulches and other features to have a variety of names on different maps. Cultural advisors agree that the Kaonoulu/ "Drainageway A" gulch and all the tributaries of Kulanihakoi stream are cultural features and should not be eliminated. This "minor drainage" ascends quite a ways

mauka and is over several meters deep in some portions of the property. We ask that this feature be correctly referred to as a tributary of Kulanihakoi gulch.

DEIS: *“Storm runoff from approximately 471 acres of undeveloped land east (mauka) of Piilani Promenade is conveyed by Drainageway “A”, to the eastern boundary of the project area. Once across the eastern boundary, Drainageway “A” continues across the project area in an east-west direction to an existing 102-inch twin barrel culvert crossing at Piilani Highway. Once across Piilani Highway, Drainageway “A” converges with the main stem of much larger Kulanihakoi Gulch before reaching the Pacific Ocean.”*

Comments: The DEIS describes current storm water flows from 471 acres above the PP site and the drainage outlet from Ohukai Road converging into “Drainageway A” and carried to the twin culverts or directly into Kulanihakoi gulch.

The majority of existing onsite flows are going either directly or indirectly into Kulanihakoi gulch. Under current natural conditions some of this flow is absorbed along the route but the quantity absorbed by the land is not discussed in the DEIS. This information should be provided to better understand the impacts of urbanizing the 75 to 88 acres.

In the Preliminary Engineering Report offsite runoff volume is noted as 498 cfs (321.8 mgd) when measured as a 100-year, 24-hour peak runoff conveyed in Drainageway “A.” This should be quantified in the FEIS. It is now only noted in Appendix L. Engineering Report.

This massive amount of water will be concentrated in underground drainage lines and moved “away” to another massive culvert. In storm water management there is no “away.” The impacts always go somewhere and need to be addressed.

The Environmental Site Assessment (Appendix B) notes the *“potential for contaminants to migrate off-site and into nearby storm water drains.”* The study recommends: *“In order to minimize the regulatory profiling of the survey area as a potential responsible party for any newly discovered groundwater or surface water contamination, property managers should consider implementing conservative, proactive environmental policies for the current and future tenants.”*

This recommendation from Appendix B is not included in the DEIS discussion of Hazardous Substances and the DEIS informs us that many areas of potential contamination, such as roadways and utility service areas, will be exempt from Maui County’s new water quality standards for stormwater runoff, and therefore will have no filtration systems. The FEIS should acknowledge and address these impacts and their mitigations.

The DEIS mentions that the water will be conveyed from “Drainageway A”/ Kaonoulu Gulch but it is not clear how many underground drainage lines will be involved.

DEIS: *“Offsite surface runoff conveyed in Drainageways “A” and “B” will be routed via underground drain lines to a new diversion ditch constructed along the project’s eastern boundary where an underground drain line along the future East Kaonoulu Street will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway. (See: Appendix L, “Preliminary Engineering Report)”*

The Preliminary Engineering Report has a slightly different version that omits the first set of “underground drain lines.” App. L: *“Offsite surface runoff conveyed in Drainageways “A” and “B”*

*will be routed to a new diversion ditch constructed along the project's eastern boundary, then down along East Kaonoulu Street in a large underground drain line which will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway ..."*

Which version is correct? Neither portion of the DEIS clearly discusses that "Drainageway A" /AKA Kaonoulu gulch will be filled in on the PP property and cease to exist.

Given the massive storm water flooding impacts in the areas immediately makai of this project the DEIS should examine alternative project designs that will have less impact on the environment. These should include plans to preserve and enhance "Drainageway A" as a riparian habitat that can absorb larger volumes of storm water and provide an aesthetic natural component to the project.

Since several cultural sites lie along the gulch they could be incorporated into the buffer area to maintain a sense of place and local history and add value to the project. A walking path with interpretive signage on the theme "traditional life in Kaonoulu ahupua'a" could connect the sites along the gulch.

DEIS: *"In compliance with Maui County's Drainage Rules, underground detention chambers within Promenade South and an open detention pond within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream storm water discharges to a peak flow rate that does not exceed pre-development levels."*

Comments: What monitoring plan will be in place to ensure the project complies with this claim? How will excess flow be handled if intensifying storm cycles produce greater than peak flows?

The Engineering report notes that the Kaonoulu Road extension, Piilani Road improvements, and the other offsite improvements, and conditions of the original Kaonoulu Ranch large lot subdivision are exempt from the storm water quality requirements passed in 2012. The FEIS should state this and discuss pollutant types and levels likely to be found in those runoff areas and where potentially polluted storm water flows (23.4 cfs) will be transported.

DEIS: *"Once the storm water detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Piilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation."*

Comment: The project does not propose to retain all of its onsite storm water flows, as proposed for a number of projects, only those generated above the existing flow levels.

Current pre-development levels of onsite and offsite flows are already problematic in this area and at the mouth of Kulanihakoi gulch.

The DEIS does not provide enough information to evaluate whether there will continue to be impacts or not.

The current proposed PP drainage plan makes no real contribution to improving existing ocean water quality, merely promising "not to make it worst."

Policy makers should require alternative project designs that absorb the maximum amount of water onsite to reduce both offsite and onsite flow levels.

### 3. Water

Comments: it is unclear how the proposed improvements will mitigate the fact that there is no confirmed water allocation for this project.

If the project demands 250,000 gpd from the Central Maui well system will there be impacts to the Iao/Waihee aquifer? Will other projects waiting for water be unable to hook up to the system due to capacity restraints and will stream flows be impacted?

Water demand may be higher as the HPLLC project demands are not included in the DEIS. The PP system has the capacity to deliver nearly 1mgd of potable water; how would that affect existing aquifers?

Impacts of relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street are not mentioned. How deep will the water line need to be buried? Will blasting be involved? Will water service to local residents be interrupted?

The DEIS provides no discussion of these likely impacts. Impacts of pumping up to 121,000 gpd from the proposed non-potable well and other water demands from the HPLLC project site are not stated and should be included in the FEIS.

### 4. Wastewater

MTF asked the DEIS to discuss why this project would have sewage capacity while other South Maui projects have been told there is no sewage capacity for their proposals at the Kihei Wastewater Treatment Plant? What volume of wastewater will the two housing areas (PP and HPLLC) and the commercial use generate? Is there a commitment for service at the Kihei facility? These topics are not discussed in the DEIS.

Comments: PP is expected to generate 114,000 gallons of wastewater per day. No figures are given for HPLLC residential wastewater demand. Maui County's Dept. of Public Works noted in their comments (DEIS, App. A) that no capacity could be confirmed at the Kihei facility until the time of project build out. The FEIS should include wastewater demand figures for both PP and HPLLC projects.

### 5. Electrical

MTF asked the DEIS to discuss what the anticipated energy usage of the proposed project would be? Are offset installations of renewable energy planned on site? What efficiency designs are being incorporated into buildings and systems? The DEIS provides some of this information but lacks a robust discussion of energy efficiency and renewable energy options and plans.

DEIS: *"the existing 12 kVA system does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Piilani Promenade development plan."*

Comment: This is a tremendous amount of power (6.25 MW), enough to power almost 1000 houses. The FEIS should discuss in greater detail project plans to produce renewable energy on site and energy conservation measures incorporated into site design. Only solar hot water systems are mentioned in the DEIS. What are the impacts of generating this amount of energy?

*DEIS: "The new [MECO] substation will be located in the northwest corner of the Piilani Promenade development"*

Comment: On fig 3 site plan the MECO substation is shown in the NE corner of the project? Which is correct?

#### **IV Relationship to Government Plans and Policies**

##### **B. STATE LAND USE**

Comment: The DEIS notes that it has submitted support for a Motion to Amend the project's existing Findings of Fact, Conclusions of Law, and Decision and Order which the State Land Use Commission (LUC) issued on February 10, 1995. The DEIS does not sufficiently discuss why it is asking that various conditions be amended.

County Wide Policy Plan (CWPP):

*Objective 2: Improve the quality of environmentally sensitive, locally valued natural resources and native ecology of each island.*

*c) Improve the connection between urban environments and the natural landscape, and incorporate natural features of the land into urban design.*

*e) Mitigate the negative effects of upland uses on coastal wetlands, marine life, and coral reefs.*

Comment:

Objective 2.c. The project as currently designed does not incorporate natural features of the land, such as the Kaonoulu gulch, a tributary of Kulanihakoi gulch, into the project's design. It is inaccurate to claim that it supports this objective of the CWPP under the current project design.

Objective 2. e. By working with natural features of the land, such as the gulch, to increase the capacity to absorb storm flows the project has an opportunity to address a persistent cause of flooding and pollution to the near shore waters and marine life of South Maui.

In order to support this CWPP policy the project needs to limit storm water discharges created by the project itself and mitigate the existing levels of storm water discharge originating on the land (85 cfs) and passing through the land (498cfs).

The project has not offered any alternative designs to mitigate these existing drainage impacts and instead acts to concentrate flows, remove any chance they currently have to be absorbed by the earth, and then dump them into the already overburdened Kulanihakoi gulch. This should be explored in the DEIS but is not.

##### **B. Preserve Local Cultures and Traditions**

*Objective (1) Perpetuate the Hawaiian culture as a vital force in the lives of residents.*

*(f) Recognize and preserve the unique natural and cultural characteristics of each ahupua'a or district.*

Comment: Object 1.f. CWPP. The PP project spans an entire section of the Kaonoulu ahupua'a. Presently, not one natural or cultural feature in the project site will remain to represent the heritage of the ahupua'a.



To remedy this, the project is being asked to preserve several culturally significant sites on the land and work to return a significant cultural feature that was removed. In order to meet this objective of the CWPP the EIS should incorporate design alternatives that reflect the information given during the brief cultural consultation process. These would include:

- preservation of the natural gulch ("Drainageway A") and associated cultural habitation sites - a major feature of the ahupua'a
- preservation of other culturally significant sites identified on the property
- return the petroglyph stone to the site since it is an important feature of the ahupua'a
- acknowledge that there is cultural use of the land and amend the CIA by interviewing cultural practitioners
- provide for cultural access and cultural use of the land for traditional seasonal celebrations
- 

#### E. Kihei-Makena Community Plan

##### Land Use

###### *Objectives and Policies:*

*(k) Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Piilani Highway, as well as limited marine-based industrial services in areas next to Maalaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.*

Comment: KMCP Land Use policy (k) addresses the subject property and its uses, as it is the only Light Industrial designated property in the KMCP that is "*south of Ohukai and mauka of Piilani Highway.*" It specifically requires that retail business or commercial activities in this parcel be "limited" to "accessory or provide service to the predominate light industrial use."

Community Plans have the force of law. The argument that County zoning "implements" the Community Plans does not stand where the two conflict. The Community Plan has always held "*more weight.*"

The provision for five acres of a 75 acre site to be utilized as Light Industrial does not comply with the directive for "*predominate light industrial use.*"

The FEIS should clearly indicate that a Community Plan Amendment is needed for the project to proceed as proposed.

As required in HAR 11-200-17, more alternative project designs should be fully discussed and the EIS should give a "*rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions,*" with supporting data, especially those that would avoid destruction of natural and cultural resources.

#### V. Contextual Issues

##### A. RELATIONSHIP BETWEEN SHORT-TERM USES AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

*DEIS: "Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan."*

Comment: Much of Maui's economy is already based upon visitor facilities, visitor activities and visitor-friendly commercial retail service centers such the proposed PP project; the project provides no real "*diversification*."

The DEIS claims the project diversifies the economy and creates living wage jobs without specifying how many non-service sector, high-wage employment opportunities are planned for the commercial spaces. The industrial park concept is likely to provide more opportunity for small business startups to diversify the economy, due to lower rents.

DEIS: "*this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project with employment opportunities in close proximity.*"

Comment: The project has little to do with "new urbanism" design principles which are based upon small streets, minimum parking lots, integration of natural systems and features into project design, housing integrated into upper levels of commercial buildings, and respect for the history of a place.

PP is bisected by a high traffic, four lane roadway destined to become a major east-west thoroughfare; it features large paved parking areas which increase heat and run-off; and elimination of natural and cultural features.

The FEIS should present an alternative project design that actually incorporates the principles of new urbanism.

## B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Comment: The loss of natural and cultural resources such as Kaonoulu gulch, all evidence of pre-contact habitation sites, ceremonial markers and the cultural practices associated with them, should also be included in these remarks.

The loss of potential groundwater input into near shore waters from the project's irrigation well pumping, the continued degradation of down-slope waters and reefs due to the project not addressing current storm water drainage impacts (instead concentrating flows and sending them offsite) will result in irreversible commitments and harm of public trust resources.

HEPA instructs agencies: "*Agencies shall avoid construing the term 'resources' to mean only the labor and materials devoted to an action. 'Resources' also means the natural and cultural resources committed to loss or destruction by the action.*" The FEIS should reflect these losses.

## C. CUMULATIVE AND SECONDARY IMPACTS

### Impacts to Natural and Environmental Resources

Comment: Impacts to natural and environmental resources such as groundwater, coastal water quality, public view planes, natural and cultural resources and cultural practices, are likely to occur regardless of Best Management Practices and mitigation measures due to the data these mitigations are based on being incomplete or inaccurate. How will proposed mitigations be monitored for effectiveness? This lack of information fails to meet HEPA EIS review standards (11-200-17, HAR).

Coastal Water Quality.

*DEIS: "Development of the Piilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMP's are not strictly adhered to."*

**Comment:**

The FEIS should acknowledge the cumulative impacts associated with the onsite runoff when transported off property as it combines with storm water from the surrounding properties with solutions or mitigations proposed.

**Agricultural Lands.**

**Comment:** The cumulative impact of the conversion of hundreds of acres of grazing lands to urban use should be discussed in the FEIS, especially in terms of drainage, traffic, drinking water and groundwater demands, and impacts to near shore waters.

**Drinking Water Resources.**

**Comments:** The cumulative and secondary effect of installing the 1 mgd water storage tank means that already stressed 'Iao and Waihee aquifers (both nearing their sustainable yield) must supply water to this proposed urban development. The impacts of the HPLLC and its water use are not considered in the DEIS. The FEIS should acknowledge and discuss mitigations for future impacts to these aquifers.

**Impacts to the Socio-Cultural Environment**

*DEIS: "In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together."*

**Comments:** The DEIS does not propose a compact, mixed use, interconnected development for PP, declining to build a frontage road and/or bike paths linking it with existing industrial/retail areas to the north; it features no mauka-makai greenways to link with any future growth to the east.

**Infrastructure and Public Facilities**

**Comment:** Construction of the KUH will have numerous secondary and cumulative impacts to growth areas beyond what is now proposed in the MIP. The DEIS assumes future growth will be confined to the MIP Urban Growth Boundary areas yet major roadways trigger urban conversion of adjoining lands. While the MIP proposes a limited area along the future KUH for potential growth it also proposes the establishment of mitigating features such as greenways and open spaces.

**Unresolved Issues**

MTF asked the DEIS to acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial and some housing, opposite of what is specified in the community plan. The 226 to 476 housing units that proposed for the entire 88 acres were not envisioned or approved in the community plan. The DEIS notes the issue as "unresolved."

All parcels involved in the original 1995 LUC DBA, the 13-acre Honua'ula housing project and 75-acre commercial/light industrial /housing project should be the subject of a Community Plan Amendment.

Thank you for this opportunity to comment

A handwritten signature in black ink that reads "Irene Bowie". The signature is written in a cursive, flowing style. The first name "Irene" is written with a capital 'I' and a capital 'B' for "Bowie". The signature is centered within a light gray rectangular box.

Irene Bowie, Executive Director

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Landscape Architecture  
City & Regional Planning

June 13, 2017

Mr. Albert Perez, Executive Director  
Maui Tomorrow Foundation  
55 N. Church Street Ste. 4A  
Wailuku, HI 96793

Dear Mr. Perez,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 6, 2014. Below are the responses to your numerated comments.

**MTF COMMENT:**

*Maui Tomorrow Foundation appreciates the opportunity to review the proposed plans for the Kaonoulu Industrial Park site. We offered comments on the project's EISPN and find that much of the information we asked to be included in the DEIS is still missing.*

*It does not include adequate discussion in a number of key areas and the project site map (Fig 3) is inadequate for understanding the project and its impacts.*

*We ask the Land Use Commission (LUC) to require compliance with 11-200-16 which describes content requirements for an environmental document. It states: "The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action."*

**C. PROJECT BACKGROUND**

*We commented on lack of environmental review for the proposed 13-acre Honua'ula affordable housing project which is dependent on the proposed 75-acre Pi'ilani Promenade (PP) housing project which is dependent on the proposed 75-acre Pi'ilani Promenade (PP) Commercial/Residential project for basic infrastructure needs. We asked that both parcels be included in the DEIS.*

*The DEIS notes that: "...the impact of the proposed development of the Honua'ula [Honua'ula Partners LLC (HPLLC)] Parcel is included as necessary background information."*

*This a violation of HAR 11-200-7, in that the impacts of any proposed project on the 13 acres should be examined in the DEIS as a matter of law regardless of ownership of the parcel. Honua'ula Partners LLC (HPLLC), owners of the 13 acre parcel, has common ownership with Maui Industrial Partners, the former owners (until 2009) of the entire 88 acre Pi'ilani Promenade project parcel.*

HAR 11-200-7 states in part: (a) group of actions proposed by an agency or an applicant shall be treated as a single action when:

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A. The component actions are phases or increments of a larger total undertaking B. An individual project is a necessary precedent for a larger project

*The PP project relies on parcels owned by others for its water tank and water tank access road. They are included for impact analyses in the DEIS.*

*The PP project's irrigation well is located on the 13 acre HPLLC parcel.*

*The housing proposed for the 13 acres HPLLC parcel cannot be built unless PP project Phase I creates an access road, relocates the Central Maui water pipe, and completes other related infrastructure projects. PP project must take place or the HPLLC project cannot. The two cannot be segmented.*

*The HPLLC Parcel (TMK (2) 3-9-01:169 - 13 acres) and its prospective use should be fully included and examined in every section of the DEIS but it is not.*

*The DEIS does not discuss whether the HPLLC project could be built without the 75 acre PP project providing its basic infrastructure - roads, water lines and storage, sewer lines, power lines and other utilities. Will the two multi-family housing projects share the referenced "park?" Unless it is made clear that the two projects do not depend upon actions taken by the other, they should both be covered in the DEIS.*

**Response:** In response to comments regarding the Honua'ula development, the FEIS Section II.C. (Project Background) has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13-acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

**MTF COMMENT:**

## II. D. Project Description

DEIS: "A network of vehicular roadways, bicycle and pedestrian pathways will establish connectivity throughout the project and will provide opportunities for connection with adjoining properties along Pi'ilani Highway."

*Comment: Will the roadways, bicycle, and pedestrian paths actually connect with any adjoining properties, or merely give "future opportunities." How will the 1995 Land Use Commission (LUC) condition requiring a frontage road connecting to neighboring properties be fulfilled if the project is not successful in amending its LUC Decision to delete this condition? We ask the FEIS to address this.*

**Response:** In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section II. E. (Project Description) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development. (See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

### **MTF COMMENT:**

DEIS: "In addition the proposed project will include the construction of a portion of the future Kaonoulu Street Extension and two (2) Pi'ilani Highway road-widening lots."

*Comment: This roadway is described as serving as a four-lane divided highway but pedestrian access across the four lanes, both to the project site and the new Kihei High School, is not discussed in the DEIS. Instead, the school access is listed as an "unresolved issue." It should be considered an impact requiring mitigation.*



**Response:** In response to comments regarding the pedestrian access to the Kihei High School, the FEIS Section V. D. (Unresolved Issues) has been revised to include the following language.

## 5. Pedestrian Connection to the Kihei High School

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.

### **MTF COMMENT:**

#### **F. ALTERNATIVES**

*MTF asked that the DEIS include alternative project designs that could avoid elimination of Kaonoulu gulch and cultural sites; include management of increased traffic volume; and comply with the LUC condition for a frontage road. None of the proposed alternative designs include any of these items, and seem to be based on unsupported assumptions rather than reliable data.*

**Response:** As noted in Section II.F. (Alternatives) of the FEIS, three (3) alternatives 1) no action, 2) no residential uses, and 3) alternate site were considered.

Under HAR Title 11, DOH, Chapter 200, EIS Rules, ~~Section 11-200-17(F)~~, a Draft Final EIS must contain a section discussing alternatives that could attain the project objectives, regardless of cost, in sufficient detail to explain why the specific alternative was rejected. Alternatives to the preferred Pi'ilani Promenade plan, along with reasons why each alternative was rejected, are described below.

**Pi'ilani Promenade Objectives** – Objectives of the Pi'ilani Promenade project are rooted in the desire to create a vibrant regional and sub-regional shopping experience for local residents and visitors, contribute to the Maui and State economies and by create employment opportunities. The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui's economic diversity and social fabric.

The objectives of the project are to:

- Provide much needed residential rental housing in south Maui,
- Provide greater diversity and flexibility of business/commercial space to attract both very small and large-scale employers;
- Provide light industrial space for south Maui business,
- Provide restaurants, shops and other retail services to the local residents and visitors;
- Create jobs;
- Increase tax revenue to State and County;
- Provide housing within walking distance of employment; and
- Reduce the project's energy demand through conservation and energy efficient design.

Three (3) alternatives to the Preferred Alternative (Proposed Plan) were considered. These alternatives are discussed below.

#### **No Action Alternative**

Under the no action alternative, existing entitlements would remain and the property could be developed as a 123-lot commercial and light industrial subdivision within the Petition Area. Additionally, according to the Maui Island Plan, residential and commercial land uses are predominately segregated within the Kihei-Makena Community plan region. Mixed-use neighborhoods centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern.<sup>1</sup> Under this alternative, the project would not satisfy the Maui Island Plan. The Applicant has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative.

Under the no action alternative, there would be no rental ~~workforce~~ housing, including affordable units, infrastructure improvements, on-site recreational amenities, or opportunity to provide additional commercial and office space in advance of demand for south Maui as follows:

- *Rental housing opportunities.* The project will bring 226 multi-family rental units. Pricing for rental units is expected to be largely affordable for Maui Island residents in a market that is limited in supply of rental units.
- *Opportunity to live within walking/biking distance of jobs, parks, shopping and schools.* At build-out the Project will be located in close proximity to the future Kihei High School. The proposed residential units will be within a short 5-minute walk from on-site commercial uses and employment. The commercial uses will be easily accessible and the site will be designed to incorporate walking and bicycling connection to the existing residential neighborhood surrounding Ohukai Street. The proposed non-vehicular circulation at the proposed project site is in accordance with the goals and objectives of the Maui Island Plan.
- *Parks and open space.* The site plan proposes a 2-acre park and open space will be provided throughout the site between buildings including bicycle and pedestrian pathways. These areas will be accessible to the public in a manner that is not possible in the currently undeveloped condition.
- *Infrastructure Improvements.* Phase 1 of the proposed project will include constructing a portion of the KUH through the project area. The portion provided by the Applicant will

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<sup>1</sup> Maui County General Plan 2030, Maui Island Plan, Directed Growth Plan, 8-27.

included pedestrian and bicycle pathways separated from the roadway. In addition the project proposes constructing a 1.0 MG public water tank and providing land for a future MECO substation that will provide services to provide electricity for the project and future surrounding planned development. The access easement allows for utilities, vehicular and future bicycle and pedestrian connectivity from Ohukai Road to a point located to the north of the project site. In addition the project is providing an easement for future vehicular access to Ohukai Road to increase connectivity mauka of Pi'ilani Highway.

- The Hallstrom Group completed an Economic Study with inventory of the Kihei Retail market and found that about ten percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along S. Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent. The economic report found that there is a lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

- The Maui Island Plan calls for the development of thousands of residential dwelling units in Kihei planned growth areas to address future demand for housing. Associated with that growth will be the need for light industrial space for future small businesses, commercial and office space to address this future growth.

The no action alternative would also deprive the State, County and general public of the significant economic benefits associated with the Pi'ilani Promenade, including an estimated:

- \$212 million in direct capital investment in the Maui economy during the build-out period;
- 878 "worker years" of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period;
- 1,210 permanent jobs after build-out with an annual payroll of about \$36.6 million.
- \$2.3 billion base economic impact during build-out and \$348.7 million annually upon stabilization.
- \$210.7 million in net tax revenue (profit) during development and \$26 million per year to the State of Hawaii on an annualized basis thereafter.
- \$25.9 million in net tax revenue (profit) during the build-out period and \$2.2 million in annual net tax revenue (profit) to the County of Maui after the build-out period.
- Financing and Construction of a portion of the Kihei Upcountry Highway
- Financing and Construction of a 1.0 MG water tank

Potential benefits of the no action alternative would include: 1) no short-term construction-related impacts (such as construction noise, construction equipment exhaust emissions and fugitive dust); 2) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 3) no less increased Pi'ilani Highway traffic impacts as a result of the project and associated infrastructure costs; and 4) less demand upon the region's coastal and inland parks and recreation facilities. The no action alternative would not add to regional population increases, or require any public services, such as parks and schools, to accommodate an increased population in the area.

For the following reasons, the no action alternative was rejected:

- Does not meet the objectives of the Maui Island Plan
- Would not address the current and future demand for residential, commercial, office and light industrial space needed for the future planned growth of south Maui;
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing.
- The 1.0 MG water tank and park would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUH) and improvements to the intersection of Pi'ilani Highway and Kaonoulu Street.
- Would deny the entire region of many substantive benefits that would be implemented under the plan; and
- Would not provide the State, County and general public the significant economic benefits (tax revenue) associated with the implementation of the Pi'ilani Promenade.
- Does not meet the objectives of the Pi'ilani Promenade ownership;

In summary, the benefits associated with the no action alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

#### **No Residential Uses Alternative**

An alternative to the proposed project (Preferred Alternative) could be to not allow rental residential uses in the Pi'ilani Promenade. However, this alternative would allow for the development of additional light industrial and business/commercial uses but eliminate and foreclose on the opportunity to develop a true mixed use project providing for housing and employment within close proximity. Under this alternative, business, retail and commercial uses, and support services, would be permitted.

Research of successful employment centers in other locations has shown that businesses and industries are attracted to locations offering a mix of uses, including commercial and residential and workforce housing opportunities. Rental residential development is an important component of the mixed use, complete community concept, and the Pi'ilani Promenade may not be as attractive to future users or investors without the rental units housing options proposed. Under this alternative, no affordable housing will be provided to address a critical demand for rental product on Maui or within walking and biking distance of employment, thus not utilizing "smart growth" and "neo-traditional" planning principles. With no residential component, there would be no proposed park space and there will be less construction phase employment associated with the development of the project Pi'ilani Promenade, providing fewer economic benefits to the region and Maui at large. Additionally, there could be less long-term employment should the project Pi'ilani Promenade be less successful than it would otherwise be with the residential component.

Potential benefits of the no residential alternative would include: 1) avoidance reduction of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 2) less minimal demand upon the region's coastal and inland parks and recreation facilities. The no residential alternative would not add to regional population increases, or require public services, such as parks and schools, to accommodate an increased the small increase to population in the area.

For the following reasons, the no residential uses alternative was rejected:

- Would not provide a mixed-use type project.

- Would deny the entire region of many substantive infrastructure benefits including a park that would be implemented under the preferred alternative; and
- Would not provide Maui residents with the opportunity for affordable rental housing.
- Does not meet the objectives of the ownership Pi'ilani Promenade and Maui Island Plan;

In summary, the benefits associated with the no residential component alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

#### Alternative Site

The final alternative considered is the Alternative Site option. This option would require that the owner/applicant find and develop another entitled property of a comparable size and location.

The positive impacts of the alternative site option are that in the short term ~~the existing project site would remain vacant and open and~~ the impacts of development will be felt in another location on Maui.

Potential benefits of the alternative site outside of Kihei including Wailea and Makena would include: 1) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal in Kihei); 2) slight reduction of future Kihei Upcountry Highway traffic impacts; and 3) less demand upon ~~the region's~~ Kihei's coastal and inland parks and recreation facilities. Depending upon location outside of south Maui, the alternative site option would not add to ~~regional~~ Kihei population increases, or require public services, such as parks and schools.

In the last few decades Kihei has become a significant urban center on the island of Maui; however a majority of businesses and retail services are located approximately 8 miles away in Kahului. Growth is planned for the Kihei area including a new high school and substantial residential development that will create need for jobs, services and retail/dining options for local residents and visitors, which the Pi'ilani Promenade could provide. The proposed project is located centrally within Kihei to provide jobs, services and housing to the existing and future residents and visitors of Kihei. If the project was relocated the residents of Kihei would not benefit from the opportunity to stay within Kihei rather than driving to Kahului.

For the following reasons, the alternative site option was rejected:

- Demand for police, fire, electrical and water services and roadway infrastructure would not change.
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing or local commercial and dining options.
- The 1.0 MG water tank, park and MECO substation would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUH) and improvements to the intersection of Pi'ilani Highway and Kaonoulu Street.
- Does not meet the objectives of the ownership Pi'ilani Promenade and Maui Island Plan;

In summary, the benefits associated with the alternative site option are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

**Alternative Preservation of Drainageway "A":** The Applicant has received various comments

identifying the small gulch traversing the Project site as Ka'ono'ulu Gulch. To date we have not received documentation or citable information contradicting the location of Ka'ono'ulu gulch that is identified on United States Geological Survey maps. It should be noted that United States Geological Survey topographic maps are identified as a preferred map source in Hawaii Administrative Rules Section 11-200-17. Preservation of the gulch was explored but determined to be infeasible due to highway design requirements.

In response to comments regarding the comments regarding the drainage way being referred to as Ka'ono'ulu Gulch, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakai Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakai Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

#### Alternatives, Historical Sites:

In response to comments regarding preservation, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work

was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

#### Alternatives, Frontage Road:

The incorporation of the frontage road on the west end of the property, parallel to the Pi'ilani Highway was explored but was replaced with a pedestrian & bicycle right-of-way. The frontage road was not determined to have significant value for vehicular use, while significant comment was received from the community to improve pedestrian & bicycle connectivity and safety along the Pi'ilani Highway. In the context of the frontage road, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Pi'ilani Highway. Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.



**MTF COMMENT:**

*DEIS: "The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui's economic diversity and social fabric"*

*Comment: It is unclear how this residential community will be connected to adjacent existing or future neighborhoods since there is no commitment to create a greenway or pedestrian connection. The neighborhood will be surrounded by urban-level highways and auto-centric commercial uses.*

**Response:** In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

**MTF COMMENT:**

*The TIAR assumes that Level of Service will be acceptable and existing roads and neighborhoods will not be impacted as long as new traffic signals and turn lanes are installed as mitigations. In reality the project will face challenges in managing increased traffic volume.*

*The TIAR assumes a new upper north-south road will connect Ohukai and Lipoa roads above the project area. What is the basis of this assumption?*

*The TIAR does not meet the standards set by 11-200-16 HAR and the FEIS should include alternative designs that would minimize traffic impacts.*

**Response:** The FEIS contains an explanation of the environmental consequences of the proposed action, and fully declares the environmental implications of the proposed action. All relevant and feasible consequences have been discussed. All opposing views raised have been acknowledged and responded to. In response to comments regarding traffic, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update was prepared by SSFM International Inc. to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes associated with anticipated surrounding area development. The TIAR update includes a LOS analysis and recommends mitigation measures.

The TIAR prepared for the DEIS by Phillip Rowell and Associates recommended a connection between Ohukai and East Kaonoulu Street to satisfy 2025 traffic impacts. This was a recommendation based on another TIAR prepared for the MRTP in which a mauka roadway from Mokulele Highway to some point south of the MRTP is referenced. That TIAR also recommended that a future mauka roadway be constructed within the park to connect Lipoa Street in the Maui Research and Technology Park to the Kihei High School. Therefore it was recommended in the DEIS TIAR that the portion between Ohukai and East Kaonoulu Street be included in the DEIS. The TIAR update done for the FEIS does not recommend this connection be made.

The long range plan for construction of a mauka collector road between Mokulele highway and a point somewhere south of the MRTP intersecting with Pi'ilani Highway will be critical to north-south mobility in Kihei as it would provide additional capacity and divert regional trips away from Pi'ilani Highway. Because these issues are long range and of a regional nature, they must be addressed collectively by the State, the County, land owners, and other stakeholders as part of the long range highway planning process.

**MTF COMMENT:**

*The DEIS does not refer to consideration of any project design that could avoid elimination of Kaonoulu gulch, a natural and cultural feature that is part of Maui's history and "sense of place" for the region. Since the EISPN acknowledges the region's soil type is subject to "severe erosion hazard" a more natural project design would seem prudent. Alternative project designs that address this option should have been included in the DEIS.*

*The project parcel has a variety of traditional habitation sites, several with ceremonial use, yet the site's natural and cultural resources are given no value in the discussion of alternative designs. One of the primary goals of the Kihei-Makena Community Plan (KMCP) is to protect cultural sites that foster a "sense of place" as the area develops.*

**Response:** As noted above, in response to comments regarding the Ka'ono'ulu Gulch, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

In response to comments regarding cultural artifacts, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A" contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPD DOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

**MTF COMMENT:**

*The three alternatives presented are insufficient to meet the standards of HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17 which specifically requires projects to discuss "alternative project designs" especially those which would minimize impacts to natural, cultural and environmental features. There is no discussion of any modifications in site design that might combine desirable features from one alternative with those of another, while minimizing impacts.*

*1. No Action Alternative (examines the Industrial Park design approved by the LUC):*

*DEIS: "The owner/developer has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative."*

*No reliable figures are offered to support this conclusion. No alternatives that combine the original project with some updated features are discussed. Assumption: "Mixed-use neighborhood centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern. Under this alternative ("No-Action"), the project would not satisfy the Maui Island Plan."*

**Response:** The project plan description does not include detailed designs providing for the proposed juxtaposition for structures, circulation and definitive design of the built environment. The proposed plan calls for general uses such as residential, light industrial and business/commercial uses including maximum unit counts and square footages used to analyze the project and address possible on and off site impacts. Significant on and off site infrastructure improvement requirements for the project area are necessary regardless of the final detailed design of the project and to a large extent drive the overall layout of the project.

The Final EIS provides analysis for the No Action, No Residential Use and Alternative Site options. The No Action alternative assumes the project plan would revert to the original 123 lot Light Industrial/Commercial project originally proposed and require substantially the same on and off site civil improvements as the current project including grading, drainage, roadway and utility infrastructure to achieve the level of service needed and a feasible buildable area. The No Residential Use alternative would also require the same improvements. The Alternative Site option would leave the project area undisturbed while not addressing the need for housing, retail and light industrial uses in South Maui.

With respect to the approved plan for the light industrial and commercial complex and the need to justify the current design in relation to the original small lot subdivision, the Applicant has noted that the original plan does not achieve the Project's objectives. The Applicant's economic consultant has also noted that the original plan does not respond to current market needs or design requirements for a successful project in today's economy.

**MTF COMMENT:**

*Comments: The "No Action Alternative" which provides for a light industrial area does comply with both KMCP and the Maui Island Plan (MIP).*

*The KMCP makes it clear that more light industrial facilities are needed as Kihei grows.*

*The KMCP directs future commercial growth to makai (ocean-side) of Pi'ilani Highway because more commercial operations mauka of the already stressed Pi'ilani Highway would generate more traffic.*

*The KMCP has language specific to this particular parcel asking to limit commercial use in this location.*

*The Preliminary Engineering report (Appendix L) shows that the original industrial park design ("Kaonoulu Marketplace" from 2006), which included some commercial space, had approximately one-third of the drainage*

*impacts (106 cfs) of the currently proposed PP commercial center (291 cfs). An alternative design analysis addressing this should be provided in the FEIS.*

**Response:**

**Stressing Capacity on the Pi'ilani Highway** - At the time the KMCP was approved the Pi'ilani Highway was a two lane undivided highway providing access to south Maui and Makena. Expansion of the highway to a four lane divided facility has changed the capacity limitations which are addressed in the TIAR for the project.

**Limits on Commercial Uses** - The KMCP does propose limitations on the creation of commercial uses in the area south of Ohukai and Mauka of the Pi'ilani Highway. However, zoning for the property was approved by the Maui County Council in 1998 with no limitations on uses and after full discussion on the KMCP goals, objectives and policies.

**Drainage Concerns** - The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow.

If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development will be felt downstream.

**MTF COMMENT:**

*The "mixed use developments" discussed in the MIP are usually larger residential projects with a moderate percentage of their land providing neighborhood-level commercial uses. The PP project appears to be over 80% commercial use and around 17% housing.*

*As currently planned there is no way children living in the proposed housing could safely walk or bike to the proposed high school or other existing schools. The DEIS projects only 60 to 70 school age children living in the 226 housing units although it is promoted as "near to schools."*

*There is no analysis provided for how many individuals renting the apartments are likely to walk to work nearby. If the Workforce Housing Ordinance is amended, as proposed, only 56 affordable units will be created in this project. The DEIS does not discuss who will be able to afford these units.*

*This section should describe a mixed-use industrial park design including work-live units with dwellings on upper stories and adjoining multifamily rentals (possibly built by housing non-profit). This alternative could provide reasonably priced space for new businesses and more housing at needed price ranges rather than the 56 units likely to be the result of the currently proposed alternative. This compact design could allow flexibility to preserve more of the natural and cultural features of the land, create an east-west greenway, minimize drainage impacts, and create a sense of place, much desired in the Kihei area.*

**Response:** The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business/commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway in order

to facilitate access to the development for pedestrians and bicycles. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant has offered to assist the State Department of Transportation in the design of a connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network. The residential component of the project proposes to provide 226 rental units in south Maui of which 25% (57 units) will be compliant with the county Work Force Housing ordinance (MCC 2.96).

With regard to mixed use light industrial/residential structures, during this phase of entitlement the Project's Urban Land Use Designation is being addressed, and specific structure design and configuration are not proposed. However, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

In response to comments regarding housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language.

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be rented for a range of consumer groups, including workforce affordable units.

Chapter 2.96 MCC (Residential Workforce Housing Policy) requires that one third (1/3) of the affordable units be provided to 1) "very low income" residents and "low income" residents, 2) "below moderate income" residents, and 3) "moderate income" residents. Based on the 2016 Affordable Sales Pricing Guidelines 1) "very low income" residents and "low income" residents range from 50-80% of the median income for County, 2) "Below moderate income" residents, range from 81%- 100% and 3) "moderate income" residents earn 101%-120% of median income.

The exact rental prices for the units and allocation of units by income is unknown at this time and will be determined after the environmental review process and when the project is ready for construction. The project will comply with the affordability requirements of Chapter 2.96 MCC (Residential Workforce Housing Policy).

**MTF COMMENT:**

*The FEIS should include additional "low impact" compact designs that allow storm water flows to be absorbed by the natural "drainage-way" through the project area, preserving cultural sites as advocated by cultural practitioners. These options are not discussed but are required by HAR 11-200-17.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

**MTF COMMENT:**

**III Affected Environment**

DEIS: "The development of the site is not expected to have a significant impact on the existing land uses makai of the site."

**Comments:**

*Traffic: The development will greatly increase the amount of vehicles to the site each day and will impact residents immediately makai through increased traffic congestion. The DEIS should have acknowledged these impacts and discussed mitigations. Instead, the TIAR claims traffic counts will be manageable with general road improvements in the area.*

*The traffic figures produced in the project's TIAR should have included traffic from other projects that will also use Pi'ilani Highway for their main access. The cumulative effects of numerous projects will worsen traffic impacts and affect residents' quality of life.*

**Response:** In response to comments regarding traffic mitigation measures, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui.

**Recommended Project Mitigation Measures**



The Applicant is responsible for providing the following improvements at the intersection of Pi'ilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Pi'ilani Highway. Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In addition, Appendix N of the FEIS provides a list of the existing conditions in the 1995 Decision and Order and the amendments proposed by the Applicant.

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

#### **Kenolio Road and Kaonoulu Street**

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

#### **Pi'ilani Highway and Ohukai Road**

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

#### **Pi'ilani Highway and Piikea Avenue**

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

#### **Pi'ilani Highway and Kulanihakoi Street**

The signalized intersection of Pi'ilani Highway at Kulanihakoi Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.

### Pi'ilani Highway and Kaiwahine Street

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Pi'ilani Highway.

Based on consultation and comments received from the State Department of Transportation and the County of Maui Department of Public works on the Project's TIAR, it is anticipated that implementation of proposed mitigation measures will result in an acceptable level of impact to existing traffic conditions.

### MTF COMMENT:

#### *Noise:*

*The DEIS states on p-. 34 that the "largest total increase (1.7 to 2.6 DNL) in traffic noise level is anticipated to occur along Kaonoulu Street." Although this level does not exceed federal standards existing neighborhoods will be impacted by increase noise pollution.*

#### *Drainage:*

*The development will eliminate the natural gulch's ability to absorb drainage flows. This is not discussed as an "impact" since the flows during storms will be "intercepted" offsite and transported to Kulanihakoi gulch. The DEIS assumes this a preferred outcome and provides no analyses of how much storm water the natural site now absorbs, making calculation of environmental impacts difficult.*

*DEIS: "The proposed development will not impact or discharge storm water runoff into the Kulanihakoi Gulch and would provide additional housing in close proximity to the planned Kihei High School."*

**Response:** In response to comments regarding noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

The largest total increase (1.7 2.9 to 2.6-3.6 DNL) in Project related traffic noise level is anticipated to occur along Kaonoulu Street between Pi'ilani Highway and South Kihei Road. Non-Project traffic is expected to add 2.9 to 5.1 DNL of traffic noise to this section of Kaonoulu Street. Adverse traffic noise impacts along Kaonoulu Street are possible towards the west end of Kaonoulu Street where relatively small setback distances could result in future traffic noise levels exceeding the United States Department of Housing & Urban Development ("HUD") standard of 65 DNL by 1 DNL unit at full build out. not expected to occur since existing traffic noise levels are very low, and the addition of both project plus non-project traffic is not expected to cause traffic noise to exceed 65 DNL at existing residences along Kaonoulu Street, therefore The remaining majority of noise sensitive residential buildings along Kaonoulu Street have adequate setback distances such that predicted traffic noise levels at full build out should remain in the "Moderate Exposure, Normally Acceptable" category at these buildings. For these reasons, traffic noise mitigation measures is should not be required for the existing residences.

The addition of the proposed extension of Kaonoulu Street mauka of Pi'ilani Highway will increase the existing background ambient noise levels along the center portion of the Project site. Through Project build-out, noise levels at the Project's planned residential buildings fronting Kaonoulu Street should not exceed the 65 DNL HUD standard or the State DOT 66 Leq (equivalent continuous sound level) noise abatement criteria as long as the residential buildings are located at least 51 feet from the centerline of Kaonoulu Street. Based on the best available traffic forecasts available for future conditions following completion of the KUH, a setback distance of 70 feet from the centerline of Kaonoulu Street is required

for 65 DNL and 66 Leq to not be exceeded at these residential buildings. Noise mitigation measures in the form of a sound attenuating wall or closure and air conditioning would be required if adequate setback distances are not available. The future traffic noise levels at all planned residential buildings will not exceed the State DOT's "15 dB increase" noise abatement criteria.

The project site will be designed such that rental residential uses within the project are situated located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the project site.

In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow. If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development are felt downstream.

**MTF COMMENT:**

*Comments: The housing described as "in close proximity" to the proposed high school is separated from that site by a wide gulch (which the DEIS should note.) Unless the project provides an overpass across the gulch, as the community requested, the only safe access will be by vehicle (not supporting the County of Maui "walkable, bikeable" goals).*

**Response:** In response to comments regarding the pedestrian access to the Kihei High School, the FEIS Section V. D. (Unresolved Issues) has been revised to include the following language.

## 5. Pedestrian Connection to the Kihei High School

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements do more to improve the safety of the walking and bicycling public than any existing improvements located in south Maui.

### **MTF COMMENT:**

*Storm water discharge from the project will be discharged into and impact Kulanihakoi gulch. The DEIS only refers to "new flows generated by the project" remaining onsite and "out of the Kulanihakoi gulch."*

*The DEIS states that 85 cfs (1 cfs= 500 gallons) of "pre- development flows" will still be sent into Kulanihakoi gulch, as currently happens, with the same intense flooding and water quality impacts left unaddressed.*

*No mechanism is offered to monitor drainage impacts. Will only 85 cfs flow through the PP site during storms or will the flow, increased under certain conditions, overwhelm the planned underground storage basins? The proposed "mitigation" does not comply with 11-200-17 HAR asking the EIS to include "Provisions proposed to assure that the mitigation measures will be taken."*

*Flows from ranch lands above the PP project site, once partly absorbed by this undeveloped land, will now be diverted to Kulanihakoi gulch by a "drainage improvements" pipe system, with no opportunity to be absorbed by pervious surface. No mitigation is being offered to lessen or slow the velocity of intense storm flow volumes (498 cfs), which periodically overwhelm the coastal areas makai of the project site. The DEIS fails to discuss this lost capacity to absorb storm flow. Transporting the majority of storm water offsite is the mitigation offered, even though Kulanihakoi gulch, below the project site, is a major flood zone during rainstorms.*

*The DEIS does not acknowledge that the lands makai of the project site have been developed with inadequate provisions for natural storm water absorption capacity. This project will compound that lack of capacity and the extreme flooding events that result, by continuing to send the same amount of storm water offsite. Instead,*

*the DEIS concludes that there is adequate capacity makai of the project site to absorb flows that will pass through the PP project. Numerous photographs exist of floods in this area disputing this assumption.*

*The natural wetlands that once allowed the massive flows of Kulanihakoi to be absorbed are now confined to a narrow channel. To mitigate this situation this project and those surrounding it should secure an open space easement around the existing wetland channel and work with local agencies to restore the wetland area and its capacity to absorb storm flows. This long term mitigation should be discussed in the FEIS and we request that it be included.*

**Response:** In response to comments regarding drainage and potential flooding, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Kulanihakoi gulch is privately owned. The owner of approximately 12.7-acres of the *maikai* end of Kulanihakoi gulch has made public his interest in conveying the area to the County of Maui for the purposes of passive recreational open space and native habitat restoration. Because the land is identified as Park and Open Space in the County of Maui's Kihei Makena Community Plan, and is identified as a Secondary Off-road Connection and Gulch/Drainage in the County of Maui's South Maui Region Parks & Open Space Master Plan, the appropriate owner and maintainer of Kulanihakoi gulch is the County

of Maui.

**MTF COMMENT:**

**2. Topography and Soils**

DEIS: *"The project site is mauka of Pi'ilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal vegetation."*

**Comments:**

*The above statement should be revised to be consistent with the biological information provided and indicate that the area has seasonal vegetation.*

*The area has abundant vegetation when rains come. The updated archeological report included in the DEIS mentioned the high vegetation that obscured the work of the archaeologists and included pictures of lush foliage.*

*The parcel had many kiawe trees along Kaonoulu gulch ("unnamed Drainageway A") before they were bulldozed in 2012. The Botanical Survey report summarized on p. 29 of the DEIS states: "The Kiawe trees create an open woodland area cross the entire property with denser growth along the rocky gully." (i.e. "Drainageway A"/Kaonoulu gulch)*

*The 1994 archaeological report mentions the proliferation of native pili grass, a culturally important plant and one interviewee in the Cultural Impact Assessment (CIA) described a mango grove in the project site area.*

**Response:** In response to comments regarding vegetation, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

The project site is *mauka* of Pi'ilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal seasonal vegetation.

**MTF COMMENT:**

DEIS: *"includes an unnamed natural drainage way (Drainageway "A") that runs in a northeast- to-southwest direction across the site before converging with the main stem of Kulanihakoi Gulch makai of Pi'ilani Highway. "*

*Comments: A glance at older maps of the region (example: USGS maps from 1920s) show that this gulch is one of the numerous tributaries of the Kulanihakoi gulch, indicating the importance of Kulanihakoi and all its tributaries as the major watercourse for the region. The topography of the parcel slopes towards this gulch from both the north and south sides and is a major feature of the landscape. The "unnamed drainageway A" should not be eliminated as it passes through the project site as proposed. The DEIS doesn't discuss this impact to a major feature of the parcel.*

**Response:** In response to comments regarding Drainageway "A", the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

The Project does not propose any channeling or culvert work for Kulanihakoi Gulch. The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Under current conditions, no riparian zone exists in the vicinity of Drainageway "A" within the Project site.

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and



other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

**MTF COMMENT:**

*Comment: The archeological report shows a number of former habitation areas, indicated by "midden scatters" (prehistoric debris, such as shells and stone tools) that lie along this gulch, indicating the area's historic and cultural importance.*

**Response:** In response to comments regarding research of historical and cultural artifacts, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has

voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

**MTF COMMENT:**

*The DEIS soil report describes the project as having poor quality soil for agriculture but doesn't appear to have done soil testing or analyses of the area. Many core tests were done throughout the property as part of engineering studies and could offer soil profiles for an accurate view of the soil characteristics.*

*This is a high impact area for potential dust, erosion and degradation of down-slope water quality. Potential mitigation measures to prevent soil erosion are prefaced by the word "may" rather than "shall" and are not reassuring. The FEIS should summarize the soil erosion/dust mitigation measures that the project will commit to and also discuss alternative plans should these measures prove insufficient.*

*Will the onsite well be available to irrigate plantings in disturbed areas as proposed? There is currently no electrical hookup. Please state the source of irrigation water to stabilize new plantings.*

**Response:** In response to comments regarding soil quality, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

During site preparation, storm runoff from the site will be controlled in accordance with the County's "Soil Erosion and Sediment Control Standards". Typical mitigation measures include appropriately stockpiling materials on the site to prevent runoff, and commencing building construction and/or establishing landscaping as early as possible in order to minimize the length of exposure of disturbed soils.

Potential impacts to the land form include the soil erosion and the generation of dust during construction. Clearing and grubbing activities will temporarily disturb the soil retention values of the existing vegetation and expose soils to erosion forces. Some wind erosion of soils could occur without a proper watering and re-vegetation program.

Measures taken to control erosion during the site development period may include, but are not limited to:

- Minimizing the time of construction;
- Retaining existing ground cover as long as possible;
- Constructing drainage control features early, such as silt screens, temporary berms and cut-off ditches;
- Using temporary area sprinklers in non-active construction areas when ground cover is removed;
- Providing a water truck on-site during the construction period to provide for immediate sprinkling as needed;
- Using temporary berms and cut-off ditches, where needed, for control of erosion;
- Watering graded areas when construction activity for each day has ceased;

- Grassing or planting all cut and fill slopes immediately after grading work has been completed; and
- Installing silt screens where appropriate.

Construction activities on the property will comply with all applicable Federal, State, and County regulations and rules for erosion and sediment control. Prior to the issuance of a grading permit, a final erosion control plan and best management practices will be submitted to the County of Maui for review and approval. All construction activities will comply with the provisions of Chapter 11-60.1, Hawaii Administrative Rules (HAR), Section 11-60.1-33, pertaining to Fugitive Dust.

After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control.

After construction, the establishment of a permanent storm water system and landscaping will provide additional long-term erosion control. The existing irrigation water well will provide irrigation water for landscaping. In the future the project site will have access to the Maui County reclaimed water line to provide landscape irrigation.

**MTF COMMENT:**

**3. Natural Hazards**

*Comments: Flood Maps (referred to in DEIS as "fig. 9") are actually Fig 10. Fig. 9 is a Soils map. Fig 10 Flood map shows the area immediately makai of the project as a significant flood zone. Flood impacts occur from activities upslope. The DEIS should indicate that the project site lies immediately mauka of areas identified as high flood risk zones and discuss appropriate mitigations, such as improved down-stream flood water capacity.*

*The DEIS states that the project site is outside of any flood zone. This statement is not compliant with content requirements for EIS documents which require nearby wetlands, flood zones, and hazard areas to also be included in the discussion of potential impacts.*

**Response:** The Preliminary Engineering Report identifies as the natural drainage way as Drainage way "A". The proposed drainage system would intercept storm water runoff into a diversion ditch then into a pipeline under East Kaonoulu Street. As storm water flows Makai of the site it enters into the existing drainage system at Pi'ilani Highway, which includes a concrete culvert on adjacent property and into Kulanihakoi Gulch Makai of the property and Pi'ilani Highway.

The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow.

If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development are actually felt downstream.

As noted in in the Infrastructure section of the DEIS, Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. Both "flow through" and "detention based" treatments will be employed by Pi'ilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow

through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation. The proposed stormwater detention improvements will accommodate and mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control.

In addition and with respect to water quality issues and drainage runoff, the proposed project is subject to conditions related to drainage and water quality as part of the Decision and Order issued February 10, 1995 for Docket No. A94-706. Specifically condition 8 states that the "Petitioner shall fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the property, including oil water separators and other filters as appropriate, and other best management practices as necessary to minimize non-point source pollution into Kulanihakoi Gulch, in coordination with appropriate State and County agencies."

Condition 11 states that the "Petitioner shall contribute its pro-rata share to a nearshore water quality monitoring program as determined by the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources."

Additionally, Condition 12 states that "Petitioner shall implement effective soil erosion and dust control methods during construction in compliance with the rules and regulations of the State Department of Health and the County of Maui."

As noted the project site is located entirely within Zone X, an area of no flooding. There are no wetlands located on the project site or downstream in the vicinity of Kulanihakoi Gulch. The project site is adjacent to Kulanihakoi Gulch identified as Zone AE and is a regional drainageway that carries water from Upcountry to the ocean after significant storm events. Flood Zone AE is designated as a special flood hazard area subject to inundation by the 1% annual flood (100-year flood), also known as the base flood, which is the flood that has a 1% chance of being equaled or exceeded in any given year.

The developed neighborhoods Makai of the Pi'ilani Highway on both sides of Kulanihakoi Gulch are also located in Zones XS and AE.

Flood Zone XS is designated as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths less than one (1) foot or with drainage area is less than one square mile; and areas protected by levees from 1% annual chance flood. Flood Zone X is designated as areas outside the 0.2% annual chance flood plain.

The proposed project's drainage system will retain the increase in runoff as a result of the proposed development and therefore not send additional runoff downstream into Kulanihakoi Gulch.

**MTF COMMENT:**

*The PP engineering report (Appendix L) states that all storm water generated by the project modifications will be directed to onsite underground or above-ground basins but there is no discussion of what happens when the capacity of those basins is exceeded.*

*The DEIS can not assume that the basins will always function as desired, especially when so little information is provided on the project's soils or the depth of the water table. In many areas of Kihei the water table is 8ft below the surface; will the basins reach that depth? Has soil testing been done as part of well drilling? This information should be provided in the FEIS.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

Both under- and above-ground stormwater detention basins will have sufficient capacity to accommodate the standard 50 year design storm required of new developments by the DPW. Should a larger storm event occur, stormwater in excess of the available basin capacity will overflow into the storm drainage systems located within East Kaonoulou Street and Pi'ilani Highway.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across the Pi'ilani Promenade North (Lot 2A) and South (Lots 2C and 2D) development sites to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations.

#### **MTF COMMENT:**

##### **6. Air Quality**

*Comments: The year 2018 analyses of air quality impacts from vehicle emissions should include cumulative impacts from more than just the proposed project and the proposed Honua'ula housing development as the proposed Makena Resort expansion, Wailea Resort projects, expansion of the nearby High Tech Park, Kihei High School and proposed Kihei Town Center will all increase vehicular trips and emissions along Pi'ilani Highway.*

*The FEIS should base its emissions evaluations on the number of cumulative trips for all projects that rely on Pi'ilani Highway as a primary access route.*

*The 2018 figure may not be an accurate benchmark to use; a range of 2018 to 2022 may be more accurate in determining impacts and mitigations, given that the PP project will be built in two phases and the high school may not be built until 2020.*

**Response:** In response to comments regarding Air quality, the FEIS Section III. A. 6 (Air Quality) has been revised to include the following language.

As part of the preparation of the FEIS, the Applicant retained B. D. Neal & Associates to analyze the years 2025 and 2032 to estimate long range air quality impacts, and to prepare updates to the Air Quality Survey prepared for the DEIS. Air quality studies were conducted on March 11, 2016 and again on February 2, 2017. Based on these studies, and based further on the review of the TIAR update dated

December 20, 2016, B. D. Neal & Associates determined that re-analysis of the Project air quality impacts was not necessary, as the conclusions stated in the 2014 Air Quality Survey remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

**MTF COMMENT:**

**7. Noise**

DEIS: *"The existing traffic noise levels in the project environs along Pi'ilani Highway are in the "Significant Exposure, Normally Unacceptable" category, and at or greater than 65 DNL (Day- Night Average Sound Level) at the first row of existing homes on the makai side of the highway."*

*Comment: The DEIS does not address how increased noise levels from Pi'ilani Highway or the future Kihei-Upcountry Highway (KUH) will affect the new Kihei High School.*

**Response:** In response to comments regarding Noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

Figures 18 (Noise Impact Map 5A) and 19 (Noise Impact Map 6A) were prepared by Y. Ebisu & Associates and show the predicted traffic noise levels at 3 locations on the proposed high school site. Both existing and future (2032) traffic noise levels from Pi'ilani Highway should be less than 55 DNL at the proposed Kihei High School facilities due to adequate setback distances provided from Pi'ilani Highway. Adverse traffic noise impacts at the proposed high school are not anticipated for this reason.

**MTF COMMENT:**

DEIS: *"The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities to the north of the project site."*

*Comments: Will the project mitigate noise levels other than "informing residents?" Will there be landscape berms, sound attenuation walls or other design strategies employed; will the housing units nearest the noise impacts be the most "affordable?" The FEIS should discuss these issues.*

**Response:** In response to comments regarding Noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

The project site will be designed such that rental residential uses within the project are situated located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the project site.

**MTF COMMENT:**

**8. Historical and Archaeological Resources**

MTF asked that the DEIS discuss how the extent of supplemental archaeological review will comply with KMCP "Cultural Resources Implementing Action b?"

*"Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process."*

*Comments: The discussion of historic and archaeological resources in the DEIS notes a separate archaeological study (Shefcheck, 2008) for adjoining parcels owned by Kaonoulu Ranch included in the DEIS as an Appendix. No summary of the findings of this study was included in the DEIS except for the statement that: "The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch." In fact, the study shows one site along the gulch at the project parcel.*

*Cultural practitioners have stated that this study did not record a number of visible cultural sites of some substance found between PP's eastern fence-line and the slopes of Kulanihakoi gulch. We ask that the project comply with the KMCP and identify and discuss all cultural resources located within, or adjacent to, the project area.*

**Response:** The project is in complete compliance with KMCP Cultural Resources Implementing Action b through completion of the AIS, inclusion of cultural interests in the process and evaluating the project and adjacent areas consistent with the requirements of SHPD.

In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulu Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

**MTF COMMENT:**

*Other Comments:*

*DEIS: "The majority of the sites were associated with ranching and World War II military activities, while the petroglyph and surface scatter remains were interpreted as possible pre- contact sites."*

*The PP project's AIS (1994) indicates that only four of the 20 recorded sites were believed to be associated with WWII military activities and one with ranching.*

*Six sites, the five midden scatters, and the petroglyph were determined to be pre-contact, while 10 of the 20 sites (including the six pre-contact sites) all had evidence of pre-contact tool making, artifacts, or midden nearby, or as part of the site. The FEIS should reflect this.*

**Potential Impacts and Mitigation Measures.**

*Cultural practitioners believe that there are a number of unrecorded archaeological sites, artifacts and midden scatters on the PP property (which they have documented) and are asking State Historic Preservation Dept. (SHPD) for further field surveys of the site. Cultural practitioners indicate that a number of pre-contact sites*



*on the property have specific cultural uses and importance, including ceremonial sites which serve as observation markers for celestial events. This information was not included in the summary of the February 25, 2014 public consultation meeting and should be added to the FEIS.*

**Response:** In response to comments regarding ceremonial sites, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Xamanek Researches LLC staff members have subsequently revisited this portion of the Project site on two separate occasions since the inventory survey was accepted in early 2016. No additional archaeological findings have been made, which suggest the possible function of this boulder. However, given the concern raised, the Applicant has voluntarily agreed to preserve this natural boulder (eclipse rock feature) on the Project site. Concerned individuals will be consulted regarding the final location of this boulder (eclipse rock feature). (See: Appendix H-2 "Archaeological Consultant memo dated November 15, 2016.)

With regard to incorporating into the Project landscape plan elements of the cultural and archaeological history of the area the results of data recovery work on the various sites within the Project site may provide material that may be incorporated into the plan. A decision on what and where will be addressed once the data recovery work is complete and through cultural consultation.

**MTF COMMENT:**

*Cultural practitioners are working with SHPD to get these sites recorded/protected in a revised site plan and ask the FEIS to include a conceptual project site design where important cultural sites are protected.*

*Cultural practitioners have stated in consultation meetings that natural features such as the Kaonoulu ("Drainageway A") gulch and view planes of the area be considered cultural resources with impacts mitigated.*

*Cultural practitioners ask that the highly significant petroglyph marker, illegally removed from the site in the 1990's and then the subject of an after-the-fact permit, be returned to the site in a place of honor when the property is developed. The petroglyph was mentioned in the DEIS, but not the cultural status of the gulch. Please correct this omission in FEIS.*

**Response:** The Project AIS was accepted by SHPD on January 6, 2016. The Applicant will conduct a data recovery plan as required and is willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the site and where possible, development of a preservation plan for those sites.

In response to comments regarding Drainageway "A", the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

In response to comments regarding the petroglyph the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As previously noted, the Site 3746 petroglyph was removed from the Project site in late 1994 by a former landowner. An after-the-fact Preservation Plan for the treatment of this petroglyph was submitted in October 1994 (Munekiyo & Hiraga, Inc.).

~~With respect to the Petroglyph rock, the rock was removed by the original landowner, transported to private property in the same Ahupuaa and a relocation study and report was submitted to SHPD for review and approval. This report was accepted and approved.~~

**MTF COMMENT:**

*An AIS study of an adjacent parcel owned by Kaonoulou Ranch (Shefcheck, 2008) was included in the DEIS in an attempt to satisfy SHPD requirements that impacts to sites found in Kulanihakoi gulch be evaluated. This study fails to document sites visible in Kulanihakoi gulch and its slopes and needs to be supplemented.*

*These undocumented sites near the PP parcel should be fully recorded as part of the FEIS as they are in an area where heavy equipment may be operating. Cultural practitioners have asked the landowners to arrange a site visit with project archaeologists to allow practitioners to identify sites of concern. The FEIS should note that this request and respond. As noted in the "Unresolved Issues" section of DEIS, the PP revised AIS (2014) and its recommendations of additional data recovery has not yet been accepted by SHPD.*

**Response:** In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulou Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis

- Jordan Hart
- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

The Applicant has submitted a data recovery plan as required and is currently under review by SHPD. The Applicant willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the Project site and where possible, development of a preservation plan for those sites. In addition, the Project AIS was accepted by SHPD on January 6, 2016. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

**MTF COMMENT:**

**9. Visual Resources**

*MTF asked that the DEIS include proposed mitigation strategies for loss of mauka view planes. While the DEIS mentions mitigations, not a single map, exhibit or diagram is provided to illustrate proposed building heights in relationship to view planes; proposed view corridors, or any other mitigation.*

*The KMCP states (under "Opportunities: Natural Resources" section) that such views are an important feature of the region and must be considered. The Community Plan states: "The mauka view from Pi'ilani Highway represents a major view plane. Significant views of the mountains and surrounding agriculture should be preserved to the greatest extent practicable."*

*Alternative project designs should be included in the DEIS which address impacts to view planes. Preservation of Ka'ono'ulu gulch and creation of an adjacent view plane corridor could be one such strategy. No alternative plans mention view planes.*

*Other Comments: The FEIS should include illustrations of the location of open space view corridors, trails and buffers, and proposed building heights in relationship to existing building heights in the project vicinity, as well as other visual resource mitigations proposed.*

*The site plan provided (Fig 3) in the DEIS is inadequate. Will the extension of Kaonoulu Road be considered a "view corridor?"*

*Cultural practitioners are concerned about view planes associating the site with the sacred land form of Pu'u o Kali (commonly called "Red Hill") known as the physical embodiment of the legendary mo'o goddess. They believe the site has archaeological features having to do with traditional observation of the horizon and connected with traditional fishing practices.*

*Please address the view planes to Pu'u o Kali in the FEIS and provide clear maps and images of mitigations planned for this and other view planes.*

**Response:** In response to comments regarding view impacts, the FEIS Section III. A. 9 (Visual Resources) has been revised to include the following language.

The Project will include light industrial, business, commercial, and residential apartment structures. As shown in the approved Landscape Plan for the Project, a significant element of the landscape program is the inclusion of a 30-foot landscaping easement located adjacent to the Pi'ilani Highway. The landscaping easement will be planted with monkeypod trees, which when mature are expected to significantly buffer the transition between the Pi'ilani Highway and the Project, and to define the views from Pi'ilani Highway into the Project. (See: Figure 17A "Landscape Rendering").

A view analysis was prepared by Architects Orange and depicts 4 views from Pi'ilani Highway looking across the Project site towards Haleakala. (See: Figure 16 "View Analysis"). The view analysis used the following methodology:

1. Photographs used in the analysis are approximately 5 feet 8 inches above street level on the makai side of Pi'ilani Highway, across from the Project site.
2. The estimated future finish grade is based upon preliminary calculations made by the Project civil engineer, Warren S. Unemori Engineering, Inc.
3. The assumed 60-foot building height is based on the current County zoning code, which permits for 60-foot maximum building heights in an M-1 Zoning district. These 60-foot buildings will be set back 500 feet from the Project site boundary along Pi'ilani Highway.
4. The estimated 30-foot building height is based upon the height of mid-sized commercial buildings that may be built through-out the Project site.

As shown in the view analysis, the maximum allowable building height does not impact the public view of Pu'u o Kali or the summit of Haleakala. The extension of Kaonoulou Road will provide views towards Pu'u o Kali and the summit of Haleakala, but is not considered a major view corridor.

The proposed apartments will be a maximum of three (3) stories tall, up to a maximum allowable height of 60 feet provided for in the M-1 zoning district. The light industrial and commercial buildings are permitted to have a maximum height of 60 feet, however, the estimated height of future buildings is unknown at this time.

The Applicant is proposing to develop the Project with the following development standards as mitigation measures to limit the impacts to visual resources.

1. Any buildings at the maximum height allowed by the then-current County zoning code will be set back at least 500 feet from the Project site boundary along Pi'ilani Highway.
2. Any building above 30 feet in height will be set back at least 100 feet from the western boundary of the Project site.
3. The cumulative linear frontage of buildings built within the 100 foot set back from the western boundary of the Project site will not exceed 35% of the total frontage of the western boundary of the Project site.

The proposed project will transform the character of the site from its existing large lot only approved design vacant land to a mixed-used development consisting of retail, office, business/commercial, light industrial, multi-family (226 apartment units), and public/quasi-public (park, MECO substation) uses, as well as with pedestrian and bicycle networks, an approximately 2-acre park and landscape plantings. The project will set forth building height limits and setbacks in order to help maintain views towards

the summit of Haleakala and the Pacific Ocean. In addition the open space areas incorporated into the Pi'ilani Promenade will provide view corridors in between buildings toward the Pacific Ocean and Haleakala.

With regard to design, the proposed project will positively complement the architectural character of the adjacent concrete tilt up light industrial structures to the north of the Project area. ~~complement the high quality architectural character as other developed properties in the area.~~ The Pi'ilani Promenade will be ~~is being~~ designed to control the density, architectural design, and variation of all buildings in the project without sacrificing views or the aesthetic character of the proposed project. As noted, the maximum building height within the Project will be 60 feet and buildings will be setback from Pi'ilani Highway to maintain public views towards the summit of Haleakala from Pi'ilani Highway. Overall urban design of the project will position buildings fronting landscaped roadways to screen the massing of the buildings.

All buildings within the Pi'ilani Promenade will be designed in accordance with the applicable Maui County building code standards.

In response to comments, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

#### **MTF COMMENT:**

##### **10. Agricultural Resources**

*Comments: The DEIS refers to agricultural fields immediately upslope of the project area:*

*"Monsanto Seed Farm is located northeast of the proposed utility and waterline easements." yet it claims the project site is worthless as farm land. Maps show Monsanto fields begin at the NE corner of parcel 169, once part of the original 88 acre Kaonoulu Industrial Parcel. The soil map. (Fig 9) shows the soil types as identical. Historic maps show a large nursery operation adjacent to the project site (Hashimoto Farm.) Section 7.1.2 of the Environmental Site Assessment states: "Aerial photos indicate that agricultural activities occurred north of the subject property from the early 1960s up until the mid-2000s. Presently, limited diversified agricultural activities continue on the residential property located immediately west of the proposed utility/roadway easement off of Ohukai Road." [Monsanto fields]*

*The FEIS needs to address whether the soils in this area are unsuitable for farming, or need irrigation. The fact that the land was urbanized has little to do with its agricultural potential. The FEIS should accurately describe the agricultural history of the area.*

**Response:** In response to comments regarding agriculture, the FEIS Section III. A. 10 (Agricultural Resources) has been revised to include the following language.

The Monsanto farming fields were not part of the Petition Area, and are not part of the Project. The LSB and ALISH classification systems indicate that the lands underlying the Project site possess poor soil and low soil ratings for productive agricultural uses. The lands underlying the project site are classified as "E", or very poorly suited for agricultural production. As such, the utilization of these poorly-rated agricultural lands for urban use and development is deemed appropriate.

Formerly, the Project site was a dry, seasonal pasture situated on gently sloping lands above the coastal plain in north Kihei. For the past 150 years, the area has been grazed by livestock which has resulted in a gradual loss of native plant species and the subsequent growth of hardy pasture grasses and weeds. During the past 40 years, introduced axis deer (*Axis axis*) have eliminated native plants and fires have swept through the area as evidenced by charred stumps throughout the Project site.

**MTF COMMENT:**

**11. Groundwater Resources**

*MTF asked the DEIS to discuss where the project's water will come from and what quantity will be used for potable consumption and landscaping. What water conservation strategies are planned, including R-1 water? The DEIS estimates water use but does not reveal a source for potable water nor discuss impacts to Kamaole aquifer from the non-potable irrigation well.*

*DEIS: "Pi'ilani Promenade will consume an average of 252,000 gallons of water per day (gpd) at build-out, including 171,000 gpd of potable water for domestic uses and 81,000 gpd (121 mgd maximum) of non-potable water for irrigation. (Appendix L)*

*Comments: The DEIS does not state the source of the quarter million gallons a day (256,430 gpd) of potable water needed at peak demand. It fails to note the peak demand, rather than average demand, for potable and non-potable water (the figures are in Appendix L engineering report). 11-200-19 HAR requires that the EIS be "an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference." This information should be included in the FEIS.*

*The DEIS does not state whether the County of Maui Dept. of Water Supply (DWS) system currently has that amount of unallocated source water. The FEIS must define the project's water sources since no impacts/mitigations to groundwater resources can be determined without this information.*

**Response:** In response to comments regarding groundwater, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Drinking water for the proposed project will come from the network owned and operated by the Maui Department of Water Supply (DWS). Three 3-inch domestic water meters have been approved by the DWS and are available for the Project. The issuance of water meters for the Project by the DWS carries the implicit approval by the DWS of the Project's use of the DWS system for drinking water.

Water for the Central Maui Water System is pumped from existing groundwater wells located in upper Waiehu and North Waihee which draws groundwater from the Iao and Waihee Aquifers. The most reliable estimate of the Iao Aquifer and the Waihee Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Iao Aquifer system to be 20 MGD and the Waihee Aquifer system to be 8 MGD. The Water Resource Protection Plan 2008 is currently being updated and a draft plan is expected in late 2017.

In consultation with Mr. Charley Ice (CWRM Water Resource Planner) on February 9, 2017, the CWRM has allocated 19.579 MGD to existing users and estimates that 0.421 MGD of groundwater can be allocated from the Iao Aquifer System.



The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Pi'ilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Pi'ilani Promenade's use of the Iao Aquifer System for drinking water.

**MTF COMMENT:**

*DEIS: on non-potable onsite well-"The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed." The engineering report notes 81,000 to 121,000 gal a day will be needed.*

*Comments: No information or analyses about possible impacts to thirteen irrigation wells located down-slope of the project's well are included in the DEIS. A list of the surrounding wells and a map are in the appendices (Appendix B.)*

*No well drilling report is included in the Preliminary Engineering Report and should be included in the FEIS regarding impacts of this new non-potable groundwater source.*

**Response:** In response to comments regarding groundwater, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulu Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulu Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the Kaonoulu Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulu Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future, connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

In response to comments regarding non-potable water wells, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

**MTF COMMENT:**

*Impacts to the Kamaole aquifer, where the well is situated, should be addressed as well as impacts to other nearby wells.*

*The DEIS should provide more information on near shore impacts of groundwater pumping beyond Appendix J where the "baseline chemistry" of the Kihei coastline is discussed.*

*Traditional fisheries, including vana and limu gathering practices, could be impacted. Kaonoulu and Waiohuli are well-known for these marine resources. The Cultural Impact Assessment does not mention these resources. The FEIS is incomplete without this information. The discussion has been included in the CIA within a transcript for the meeting.*

*The "marine baseline" study by Dr. Steve Dollar is inadequate, based upon a single day of data gathering, with no reference to other available long term studies of the area.*

*From: Baseline Assessment Marine Water Chemistry and Marine Biotic Communities Report: Appendix J*

*DEIS, Ap. J: "As a result, potential effects to the marine environment from the project are limited only to alteration of basal groundwater flowing beneath the site with subsequent discharge to the ocean."*

*Comments: Information in the Baseline Assessment report is based upon a one day research sampling with no mention of plans to conduct future monitoring. Sampling was limited to near shore (30 m) waters; it is unclear whether areas further offshore were sampled for temperature changes indicating groundwater discharge. Information to address the impacts to near shore freshwater inputs from pumping the project's non-potable well should be included.*

*The Appendix J report stated: "If the existing groundwater input is of a minor extent, it can be assumed that there is not sufficient input for any subsidies from the project site to affect water quality to a detectable degree."*

*The report only analyzed "subsidies" or increased discharge of groundwater into the marine environment from onsite drainage inputs; it never considered the impacts of pumping over 100,000 gpd of groundwater (at peak demand) on marine zone groundwater discharges.*

*If current groundwater discharges are present (which the report confirmed) but not in robust amounts, the proposed brackish well pumping could eliminate the freshwater discharge entirely. The effect of this scenario must be included in the FEIS.*

**Response:** In response to comments regarding non-potable water wells, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Groundwater beneath the Project site occurs as a brackish basal lens overlying saline groundwater at depth and in hydraulic contact with seawater shore. This groundwater body has been named as the Kamaole Aquifer by the CWRM. The most reliable estimate of the Kamaole Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Kamaole Aquifer system to be 25 MGD. Of the estimated 25 MGD of groundwater recharge, the CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The Water Resource Protection Plan is currently being updated and a draft plan is expected in late 2017.

Existing water use within the Kamaole Aquifer System amounted to 1.859 MGD (Water Resource Protection Plan, 2008). This water use is primarily for golf course and landscape irrigation purposes from existing brackish wells.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

The State Commission on Water Resource Management approved an irrigation well permit for a well built in 2011 at a wellhead elevation of 118 feet. The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed but is not in use. The well water will be used during future construction for dust control and Construction of the distribution infrastructure for the irrigation system is currently pending when permanent electrical power is available, the well will be used for landscape irrigation. In addition, a connection point for utilizing reclaimed water from the County's R-1 system in the future will be provided (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017").

The Applicant retained Marine Research Consultants, Inc. to prepare a Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities. The purpose of the report was to assess potential impacts to groundwater and the marine environment as a result of the proposed project. In connection with this work, water quality testing was conducted and the underwater biotic composition along the Kihei coastline was analyzed.

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality. (See: Appendix J, "Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities Report")

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulu Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulu Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the Kaonoulu Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulu Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future,

connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

**MTF COMMENT:**

**B. SOCIO-ECONOMIC ENVIRONMENT**

**1. Population**

DEIS: "When fully built out, the total resident population of the multi-family developments is projected to be 607 persons."

*Comments: If the 250 units are built on the adjoining HPLLC parcel (parcel 169) it would have around 670 additional residents (using same density rates as the 226 apartments.) The effects of increased residents should not be segmented out of population discussions in the DEIS.*

*Both housing projects will share the same potable water system, non-potable water system, primary sewer lines, roadways, etc. and they cannot be segmented. The HPLLC project cannot be constructed unless the Kaonoulu Road extension is built.*

**Response:** In response to comments regarding segmentation the FEIS Section II.C. (Project Background), has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13-acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

**MTF COMMENT:**

**2. Housing**

*Potential Impacts and Mitigation Measures*

DEIS: "The proposed project includes the construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns."

Comments: The FEIS should discuss the range of that required percentage as the PP project promotes providing affordable housing.

If the current Workforce Housing ordinance is amended to require only 25% affordable units, as is under discussion at the Maui County Council, this project will result in 56 affordable apartments rather than 112. This should be made clear in the FEIS since the owners' representative is among those asking for the change from 50% to 25%.

The FEIS should clearly define "affordable" as it applies to this project in order to be complete. The DEIS omits any reference to speculation and marketing to off shore demand as significant factors in the cost of Maui's housing although experts acknowledge both trends present a formidable challenge to providing sufficient affordable housing.

**Response:** In response to comments regarding affordable housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language:

In response to comments on the DEIS from the State Office of Planning, the proposed 226 rental apartment units are for the Project and none of the rental units will be used or credited by another project. The Project will satisfy the County's affordable housing requirements by providing the required rental units on-site at an affordable rate to be determined by the DHHC. Currently the County requirement is for 25% of the units to be rented at affordable rates.

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

Chapter 2.96 MCC (Residential Workforce Housing Policy) requires that one third (1/3) of the affordable units be provided to 1) "very low income" residents and "low income" residents, 2) "below moderate income" residents, and 3) "moderate income" residents. Based on the 2016 Affordable Sales Pricing Guidelines 1) "very low income" residents and "low income" residents range from 50-80% of the median income for County, 2) "Below moderate income" residents, range from 81%- 100% and 3) "moderate income" residents earn 101%-120% of median income.

#### **MTF COMMENT:**

##### **3. Economy**

Comments: The DEIS is missing key information relating to project "need." It does not indicate how much commercial space in South Maui is currently available; vacancy rates over the last five years; or the vacancy rates compared to rental costs per square foot. If Kihei area has an "average of 63.4 square feet {of commercial space} per resident" as the DEIS contends, and has a vacancy rate comparable to or higher than the

*national or state average, it may only have the consumer base to support that 63.4 sq ft/ resident rate and not the higher rate the DEIS promotes.*

DEIS: "The Economic and Fiscal Impact Assessment estimates the projected demand for new residential units in Kihei-Makena is 7,250 – 11,500 units through 2035."

Comments: The MIP and its economic forecasts estimate the projected demand for housing in Kihei-Makena as 5,500 already entitled units (including 250 units in the original Kaonoulu project and 1,500 additional units needed for a total of 7,000 units). The FEIS should indicate how many of those projected units will meet offshore second home demand vs. full time residents.

**Response:** In response to comments regarding housing units, the FEIS Section III. B. 2. (Housing) has been revised to include the following language:

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

In response to comments regarding housing units, the FEIS Section V. C. (Cumulative Impacts) has been revised to include the following language:

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

**Table No. 16d Other Potential Projects: Housing**

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms &amp; 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>



<u><b>Maui Research and Technology Park</b></u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u><b>Honua'ula Affordable Housing Development</b></u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<u><b>Total</b></u>	<u>Single Family</u>	<u>1,150 SF units</u>
	<u>Multi Family</u>	<u>1,410 MF units</u>
		<u>2,560 total units</u>

The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

**MTF COMMENT:**

DEIS: "Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$36.6 million."

*Comment: The DEIS does not provide detailed information to substantiate claims of the project's economic importance.*

**Response:** As mentioned in the FEIS Section III. B. 3. (Economy)

The construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

**MTF COMMENT:**

**4. Cultural Resources**

DEIS: "The project site is located in the Kula Moku and the Waiohuli and Kaonoulu ahupua'a."

*Comment: The project is located entirely in the Kaonoulu ahupua'a. The project's AIS (1994 and 2014) clearly states this and fig 7 map in the AIS (2014: p. 20) shows the project area entirely within the Kaonoulu boundary. Please correct this in the FEIS.*

**Response:** In response to comments regarding cultural resources, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

The project site is located in the Kula Moku and the ~~Waiohuli~~ and Kaonoulu ahupua'a in an area archaeologically known as the "barren zone". Based on a praxis of archaeological studies conducted on the "barren zone" in the region of the Project site, site expectation and site density is low. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017").

**MTF COMMENT:**

DEIS: *"The CIA indicates that any resources or practices occurring traditionally in the area are now non-existent and would have been obliterated."*

*Comments: The PP CIA draws this conclusion because consultants submitted their CIA report in December 2013 without input from cultural practitioners as offered at a February 25, 2014 gathering with the landowners' representative and archaeologist (referenced in the DEIS). Attaching meeting transcripts is not the same as including practitioners comments in the CIA.*

*Oral history interviews in the CIA revealed no cultural impacts because those who have a cultural practice on the land were not included in the interview process.*

**Response:** In response to comments regarding cultural resources, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

The project site is located in the Kula Moku and the ~~Waiohuli~~ and Kaonoulu ahupua'a in an area archaeologically known as the "barren zone". Based on a praxis of archaeological studies conducted on the "barren zone" in the region of the Project site, site expectation and site density is low. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017").

The area of Kihei that includes the project site has been severely disturbed from its original and unaltered state for many decades, by the effects of grazing cattle and the construction of ranch roads, county roads and the construction of Pi'ilani Highway. The CIA indicates that any resources or practices occurring traditionally in the area are ~~no~~ non-existent and would have been obliterated. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Interviews with individuals (~~kūpuna-kapuna~~/makua) knowledgeable about the lands of the Kaonoulu ahupua'a were conducted in 2013 and in 2016 by of Hana Pono LLC- as part of the CIA, and by SCS in 2016 as part of the SCIA. As noted SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel that includes interviews with the same individuals as the SCIA. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017"). The oral history interviews were conducted in order to collect information on possible pre-historic and historic cultural resources associated with these lands, as well as traditional cultural practices. (See: Appendix I "Cultural Impact Assessment Report dated December 2013,

revised March and August 2016"; see also Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017" and Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").).

A public information and cultural consultation meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing the return of the petroglyph boulder (which removed from the Project site and is preserved under a SHPD-approved preservation plan) and potential impacts to Kulanihakoi Gulch (which is not located on the Project site), some of the participants suggested that the potential archaeological sites could be incorporated into the design of the project or into its landscaping and the previously removed petroglyph stone be returned to the property. The Applicant has discussed the possible return of the petroglyph stone and the former owner (Kaonoulu Ranch) rejected this request given the fact that the relocation and a preservation plan was submitted and approved by SHPD.

As a follow up to the February 25, 2014 meeting, the Project team's archaeologist and cultural consultant participated in a site visit on January 22, 2016. Following the January 22, 2016 site visit, a request was made from the Aha Moku for a further cultural consultation meeting. The meeting was held on April 27, 2016, and a transcript of the April 27, 2016 meeting is available as Appendix A to the Supplemental Cultural Impact Assessment. (See: Appendix I-1 "Supplemental Cultural Impact Assessment dated March 2017"). As part of the SCIA, SCS reached out to 21 persons for consultation, 3 of whom responded and wanted to be interviewed.

#### ***Potential Impacts and Mitigation Measures.***

In general, concerns expressed by the community in these site visits, meetings, and cultural consultations focused on the potential presence of undocumented archaeological sites within the Project site that may be impacted by development of the Project. As documented in Section III.8 of this FEIS, an Archaeological Inventory Survey undertaken and completed by Xamanek Researches in July 1994 identified a total of 20 archaeological sites within the Petition Area. The Archaeological Inventory Survey prepared for the DEIS identified an additional archaeological site on the Project. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015"). In addition, To monitor these sites, an archaeological monitoring plan was prepared and submitted to SHPD for review and approval, and was approved and referenced for all recent work on the site. The monitoring plan may be found in Appendix H and will be updated once project construction is initiated. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015").

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the potential for traditional cultural practices conducted within the greater *ahupua'a* to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The CIA reports that the proposed project will have no ~~has no~~ significant effects impact on to cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights exercised within the Project site, such resources—including traditional and customary native Hawaiian rights--will not be affected or impaired by the Project. Accordingly, there are no feasible actions needed to reasonably protect native Hawaiian rights. See Ka Pa'akai O Ka' Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000).

**MTF COMMENT:**

DEIS: *"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."*

Comments: *Several individuals have cultural practices associated with this land including Sally Oshiro and Kumiu Michael Lee, while others have gathering and other cultural practices along the Kaonoulu shoreline and in Kulanihakai gulch.*

*Development of the site, as proposed, with no mitigations to protect a number of important cultural features will impact cultural practices on the land.*

*Cultural practitioners believed their comments would be incorporated into the CIA after the Feb 25, 2014 meeting and asked for a site visit which has not yet been arranged. The CIA should be updated to include comments from these individuals and other cultural practitioners and lineal descendants of the area who would like to participate in order for the CIA to be accurate and the FEIS deemed complete.*

**Response:** In response to comments regarding cultural resources, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

Interviews with individuals (*kūpuna-kapuna/makua*) knowledgeable about the lands of the Kaonoulu ahupua'a were conducted in 2013 and in 2016 by Hana Pono LLC as part of the CIA, and by SCS in 2016 as part of the SCIA.

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the

potential for traditional cultural practices conducted within the greater ahupua'a to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the potential for traditional cultural practices conducted within the greater ahupua'a to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The CIA reports that the proposed project will have no has no significant effects impact on to cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis
- Jordan Hart
- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

**MTF COMMENT:**

**3. Police and Fire Protection Services**

*MTF asked that the DEIS discuss whether additional fire and police staff will be needed to service the 450 new units? If so, how many, and at what cost and phasing? The DEIS concluded that 607 more residents would not affect policing needs.*

*Comments: The DEIS does not address the combined increase in population of the PP and HP residential areas which would be over 1200 new residents. It also did not discuss any increase in police and fire service that may be needed by the project's commercial properties and should be included in the FEIS.*

**Response:** No comments were received from the Maui County Fire and Police departments. As stated in the DEIS, Section III. C. 3 (Police and Fire Protection Services)

The Project will produce a minimal increase in the population of the immediate area. The increase in population will produce a marginal increase in demand for police and fire protection services, including personnel, vehicles, and facilities. According to the *Maui County Public Facilities Assessment Update* (R.M. Towill Corporation, 2007) the Maui Police Department's generation rate for officers per 1,000 population is 1.96, and the generation rate for total employees per 1,000 population is 2.56. Assuming the project increases population by 607 people and using the provided generation rates the proposed project is estimated to generate the need for 1.19 additional officers and 1.55 additional total employees.

Increased tax revenues generated by the project will provide additional funds to the County for police and fire capital facility improvements and service upgrades. Additionally, the Project will comply with any impact fee ordinances for police and fire that may be adopted.

**MTF COMMENT:**

**4. Schools**

*Comments: The DEIS assumes that only one out of three households in the proposed PP project would have one school age child yet the project mentions the positive contribution it will make by allowing families to live where their children can walk to school.*

*The DEIS gives no basis to calculate the low numbers of potential students from the 226 units. Is it based on the number of 2 bedroom units; will a portion of the 226 units be for senior housing?*

*The fact that Kihei needs another elementary and intermediate school is not emphasized in the DEIS and the conclusion, in table 2, that Kihei School enrollment (currently over capacity) will drop next year, needs a source. No students from the 250 HP units are included in any calculations. The FEIS should address this and segmentation of the connected sites.*

**Response:** In response to comments regarding schools, the FEIS Section III. C. 4 (Schools) has been revised to include the following language:

The Economic and Fiscal Impact Assessment projected that the Project would generate 60-70 students. This projection is based on population/age modeling, and assumes that the children in an affordable



apartment project would attend public school. The Economic and Fiscal Impact Assessment based the student generation rate on census data that between 10% and 11.5% of the population is of school age, which equals about 60 to 70 students based on the projected resident population of 607.

The DOE forecasts public school children for Kihei (which is considered part of Central Maui) at the rate of .22 public school children per multifamily unit and at .49 per single family home.

So, applying the DOE formula the total number of anticipated public school attendees from the 226-proposed subject apartment units would be 49.72, rounded to 50 students (.22 X 226).

In response to comments regarding housing units, the FEIS Section III. B. 2. (Housing) has been revised to include the following language:

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

In response to comments regarding schools, the FEIS Section III. C. 4 (Schools) has been revised to include the following language:

Current and projected enrollment and capacities for area schools are given in Table No. 24, "DOE School Enrollment & Capacity" below.

**Table No. 24 DOE School Enrollment & Capacity**

Schools	2013- 2014 Enroll- ment	Capacity	2014- 2015 Projected Enroll- ment	2014- 2015 Enroll- ment	2015- 2016 Enroll- ment	2016- 2017 Projected Enroll- ment	2016 Enroll- ment	2017- 2018 Projected Enroll- ment
Kihei Elementary	947	890	851	864	801	883	786	791
Kamalii Elementary	585	928	584	530	481	542	452	447
Lokelani Intermediate	550	836	525	553	594	593	584	574
Maui High	1908	2035	1967	1931	1906	1861	1941	1977

Source: DOE 2016

In response to comments regarding segmentation the FEIS Section II.C. (Project Background), has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13-acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered

in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

**MTF COMMENT:**

**5. Solid Waste**

*MTF asked the DEIS to discuss how much waste will be generated by each use category? Will commercial facilities have programs to reduce packaging materials associated with imported goods shipped to Maui?*

*Comments: The DEIS does not address this or whether property owners will provide any recycling opportunities for the large amount of packaging, pallets and other solid waste generated by commercial and industrial businesses. The FEIS should discuss this mitigation.*

**Response:** In response to comments regarding the available commercial area in Kihei, the FEIS Section III. C. 5 (Solid Waste) has been revised to include the following language:

The proposed project will consist of industrial, commercial and multi-family uses therefore the owners are required to contract a private refuse company to handle solid waste generated at the project site. The County's DEM, Solid Waste Division estimates that residential households on Maui generate approximately 2.3 tons of solid waste per household per year. Commercial units on Maui generate approximately 1.58 tons of solid waste per employee per year.<sup>2</sup> Solid waste generation includes all the waste produced in a residence or business, including that which is reused or recycled as well as that which is disposed of in landfills.

Using the above rates, after full build-out and occupancy of all 226 residential apartment units and commercial units employing an estimated 1,210 people at the Project site, total waste generated is estimated to be approximately (2,431.60) 2,432 tons per year.  $(2.3 \times 226 = 519.80 \text{ tons per year})$   $(1.58 \times 1,210 = 1,911.80 \text{ tons per year})$   $(519.8 + 1,911.8 = 2,431.6 \text{ rounded to } 2,432 \text{ tons per year})$

Using the County's waste diversion rate of 30 percent, total waste from the Project site is estimated to be approximately 1,702 tons per year. Achieving the County's waste diversion rate of 50 percent by 2030 would reduce the Project's waste to 1,216 tons per year.

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<sup>2</sup> Gershman, Brickner & Bratton, Inc. February 2009. Integrated Solid Waste Management Plan. Prepared for County of Maui Department of Environmental Management Solid Waste Division.

In 2009 the Integrated Solid Waste Management Plan (ISWMP) for Maui County was updated and projected that the Central Maui Landfill will have adequate capacity to accommodate Residential and Commercial waste through the year 2026. This estimate does not take into account future increases in source reduction and waste diversion. Increases in waste diversion achieved through education, recycling, composting, and reuse programs are expected to decrease demand for landfill space and extend the life of the Central Maui Landfill beyond the currently projected closure year. The County's Department of Environmental Management, Solid Waste Division, anticipates that additional phases of the Central Maui Landfill will be developed as needed to accommodate future waste.

Waste generated by site preparation will primarily consist of rocks, and debris from clearing, grubbing, and grading. Very little demolition material is expected, as the site is vacant.

During the short term, construction activities will require the disposal of the existing onsite waste, as well as cleared vegetation and construction-related solid waste. A solid waste management plan will be coordinated with the County's Solid Waste Division for the disposal of onsite and construction-related waste material. The applicants will work with the contractor to minimize the amount of solid waste generated during the construction of the project.

In addition the project will provide on-site recycling opportunities for residents in an effort to reduce solid waste entering the landfill.

**MTF COMMENT:**

**D. INFRASTRUCTURE**

**1. Roadways**

*MTF asked that the DEIS improve its TIAR since the past TIAR for the Kaonoulu/PP project downplayed the amount of traffic trips generated; it did not included traffic impacts from the adjoining 13-acre Honua'ula affordable housing project.*

*DEIS: "Pi'ilani Highway is a four-lane, undivided highway with a north- south orientation connecting Mokulele Highway to the north with Wailea Resort to the south."*

*Comment: Pi'ilani Highway was designed as a two lane undivided highway that was "re-striped" to accommodate four lanes. Each lane is less than standard width; the highway is considered "substandard" by federal standards and its accident rate is high under existing circumstances. The DEIS should have discussed this in detail as it affects the community's health and safety.*

**Response:** In response to comments regarding the Honua'ula Affordable Housing Project, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new

transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui. (See: Appendix M-1, "Traffic Impact Analysis Report Update, dated December 20, 2016").

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further, the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125 units) and Residential Condominium/Townhouse (125 units) from the *Trip Generation, 8th Edition* (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103 outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.

- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for With Project includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.

**MTF COMMENT:**

DEIS: "However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road."

*Comments: The residents of the proposed 250 Honua'ula units would need to access Kaonoulu Road from Pi'ilani Highway which will impact traffic counts there as well. To not include this in the Pi'ilani traffic count analyses is to segment the impacts of the HPLLC project. The TIAR (Appendix M) figures show trips to the Honua'ula homes along both Pi'ilani Highway and Kaonoulu Street. The FEIS should adequately address this.*

**Response:** In response to comments regarding the Honua'ula Affordable Housing Project, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further, the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125 units) and Residential Condominium/Townhouse (125 units) from the Trip Generation, 8th Edition (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103 outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.
- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for With Project includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.

**MTF COMMENT:**

DEIS: "The level-of-service analysis confirmed that the following improvements should be implemented to satisfy 2025 traffic impacts: The mauka roadway should be completed between Ohukai Street and Lipoa Street."

*Comments: The PP project's TIAR in Appendix M anticipates that between 1300 and 1500 daily trips will be made along this upper road not currently built. Do TIAR calculations assume vehicles will use this nonexistent route instead of Pi'ilani Highway? If so, the FEIS should provide Level of Service for Pi'ilani Highway after the PP/HPLLC build-out, with and without this improvement. Projects often take decades to complete and the FEIS will be incomplete without this key information.*

**Response:** In response to comments regarding the Honua'ula Affordable Housing Project, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update was prepared by SSFM International Inc. to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes associated with anticipated surrounding area development. The TIAR update includes a LOS analysis and recommends mitigation measures.

The TIAR prepared for the DEIS by Phillip Rowell and Associates recommended a connection between Ohukai and East Kaonoulu Street to satisfy 2025 traffic impacts. This was a recommendation based on another TIAR prepared for the MRTP in which a mauka roadway from Mokulele Highway to some point south of the MRTP is referenced. That TIAR also recommended that a future mauka roadway be constructed within the park to connect Lipoa Street in the Maui Research and Technology Park to the Kihei High School. Therefore it was recommended in the DEIS TIAR that the portion between Ohukai and East Kaonoulu Street be included in the DEIS. The TIAR update done for the FEIS does **not** recommend this connection be made.

The long range plan for construction of a mauka collector road between Mokulele highway and a point somewhere south of the MRTP intersecting with Pi'ilani Highway will be critical to north-south mobility in Kihei as it would provide additional capacity and divert regional trips away from Pi'ilani Highway. Because these issues are long range and of a regional nature, they must be addressed collectively by the State, the County, land owners, and other stakeholders as part of the long range highway planning process.

#### **MTF COMMENT:**

##### **2. Drainage**

*MTF asked the DEIS to clearly describe where onsite and offsite storm water drainage will end up on the PP and HPLLC project sites and what impacts the projects could have on the flood prone area immediately makai. Will pervious parking surfaces be installed? Will rain gardens be built into the residential landscaping? Information was incomplete in the DEIS.*

*DEIS: "This minor drainage is not recognized as a regulated drainage way, there is no documented evidence of a name for the drainage yet individuals have referred to the minor drainage as a Kaonoulu Gulch."*

*Comment: This gulch is labeled "Kaonoulu" on some older maps. The same name is given to another much higher elevation tributary of Kulanihakoi gulch on other maps. It is common for gulches and other features to have a variety of names on different maps. Cultural advisors agree that the Kaonoulu/"Drainageway A" gulch and all the tributaries of Kulanihakoi stream are cultural features and should not be eliminated. This "minor drainage" ascends quite a ways mauka and is over several meters deep in*

*some portions of the property. We ask that this feature be correctly referred to as a tributary of Kulanihakoi gulch.*

**Response:** The Applicant has received various comments identifying the small gulch traversing Project site as Ka'ono'ulu Gulch. To date we have not received documentation or citable information contradicting the location of Ka'ono'ulu gulch that is identified on United States Geological Survey maps. It should be noted that United States Geological Survey topographic maps are identified as a preferred map source in Hawaii Administrative Rules Section 11-200-17.

In response to comments regarding drainage, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control. The existing irrigation water well will provide irrigation water for landscaping. In the future the project site will have access to the Maui County reclaimed water line to provide landscape irrigation.

Analysis: In addition to the foregoing management measure, the County also requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. In satisfaction of the Guidance management measures and the County requirements, the Project design incorporates both "flow through" and "detention based" treatments to mitigate stormwater-related water pollution associated with the Project site. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

Analysis: Warren S. Unemori Engineering, Inc. has prepared a drainage plan to mitigate surface runoff caused by seasonal storm events, and which will ensure that, to the extent practicable, the post development peak runoff rate and average storm flow volume generated at the Project site, after mitigation measures are implemented, will be maintained at levels that are similar to predevelopment levels, which are equal to or less than 85 cfs. The Project site will be designed retain any increase, if any, in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, an NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.



Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

In response to comments regarding drainageway A, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

The Applicant received comments on the DEIS incorrectly stating that Drainageway "A" is named the "Ka'ono'ulu Gulch". While there is a Ka'ono'ulu Gulch on the Island of Maui, it is located significantly mauka and south of the Project site. (See: Figures 20 & 21, "USGS MAP 1923" & "USGS MAP 1983").

**MTF COMMENT:**

DEIS: "Storm runoff from approximately 471 acres of undeveloped land east (mauka) of Pi'ilani Promenade is conveyed by Drainageway "A", to the eastern boundary of the project area. Once across the eastern boundary, Drainageway "A" continues across the project area in an east- west direction to an existing 102-inch twin barrel culvert crossing at Pi'ilani Highway. Once across Pi'ilani Highway, Drainageway "A" converges with the main stem of much larger Kulanihakoi Gulch before reaching the Pacific Ocean."

Comments: The DEIS describes current storm water flows from 471 acres above the PP site and the drainage outlet from Ohukai Road converging into "Drainageway A" and carried to the twin culverts or directly into Kulanihakoi gulch.

The majority of existing onsite flows are going either directly or indirectly into Kulanihakoi gulch. Under current natural conditions some of this flow is absorbed along the route but the quantity absorbed by the land is not discussed in the DEIS. This information should be provided to better understand the impacts of urbanizing the 75 to 88 acres.

In the Preliminary Engineering Report offsite runoff volume is noted as 498 cfs (321.8 mgd) when measured as a 100-year, 24-hour peak runoff conveyed in Drainageway "A." This should be quantified in the FEIS. It is now only noted in Appendix L. Engineering Report.

This massive amount of water will be concentrated in underground drainage lines and moved "away" to another massive culvert. In storm water management there is no "away." The impacts always go somewhere and need to be addressed.

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

**Offsite Storm Flows** Storm runoff from approximately 471 acres of undeveloped land east (*mauka*) of Pi'ilani Promenade is conveyed by Drainageway "A", to the eastern boundary of the project area. The 100-year, 24-hour peak runoff conveyed in Drainageway "A" is 498 cfs.

In response to comments regarding drainage impacts, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

**MTF COMMENT:**

*The Environmental Site Assessment (Appendix B) notes the "potential for contaminants to migrate off-site and into nearby storm water drains." The study recommends: "In order to minimize the regulatory profiling of the survey area as a potential responsible party for any newly discovered groundwater or surface water contamination, property managers should consider implementing conservative, proactive environmental policies for the current and future tenants."*

*This recommendation from Appendix B is not included in the DEIS discussion of Hazardous Substances and the DEIS informs us that many areas of potential contamination, such as roadways and utility service areas,*

*will be exempt from Maui County's new water quality standards for stormwater runoff, and therefore will have no filtration systems. The FEIS should acknowledge and address these impacts and their mitigations.*

**Response:** In response to comments regarding water quality, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

#### **Water Quality Measures**

Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. Both "flow through" and "detention based" treatments will be employed by Pi'ilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

The proposed stormwater detention improvements will accommodate and mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control. Table 13 14 summarizes the storage capacity within the stormwater detention system needed to achieve both of these objectives.

**TABLE 13 14 Drainage Detention System Capacity for Pi'ilani Promenade**

Storage Capacity Required to Meet Water Quality Criteria	Additional Storage Capacity Required to Mitigate Peak Flow	Total Storage Capacity to be Provided
2.5 ac. -ft.	5.1 ac. -ft.	7.6 ac. -ft.

Once the stormwater detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation as summarized in Table 14 15 below.

<b>TABLE 14 15 Result of Peak Runoff by Pi'ilani Promenade</b>					
Drainage Area	Acreage	Pre-Development Peak Flow	Post-Development Peak Flow Before Mitigation	Post-Development Peak Flow After Mitigation	Net Change in Peak Runoff
North	30.1	31.2 cfs	107.7 cfs	9.6 cfs	-21.6 cfs
South	38.1	41.0 cfs	148.2 cfs	39.2 cfs	-1.8 cfs
Roads, Water Tank, Diversion Ditch	9.4	12.5 cfs	35.9 cfs	35.9 cfs	+23.4 cfs
<b>TOTAL</b>	<b>77.6</b>	<b>84.7 cfs</b>	<b>291.8 cfs</b>	<b>84.7 cfs</b>	<b>0.0 cfs</b>

**MTF COMMENT:**

*The DEIS mentions that the water will be conveyed from "Drainageway A"/ Kaonoulu Gulch but it is not clear how many underground drainage lines will be involved. DEIS: "Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed via underground drain lines to a new diversion ditch constructed along the project's eastern boundary where an underground drain line along the future East Kaonoulu Street will convey the runoff to the existing 102-inch culvert crossing at Pi'ilani Highway. (See: Appendix L, "Preliminary Engineering Report")"*

*The Preliminary Engineering Report has a slightly different version that omits the first set of "underground drain lines." App. L: "Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed to a new diversion ditch constructed along the project's eastern boundary, then down along East Kaonoulu Street in a large underground drain line which will convey the runoff to the existing 102-inch culvert crossing at Pi'ilani Highway ..."*

*Which version is correct? Neither portion of the DEIS clearly discusses that "Drainageway A" /AKA Kaonoulu gulch will be filled in on the PP property and cease to exist.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

Offsite runoff will be allowed to pass through the project area and will not be affected by the development of the Pi'ilani Promenade. Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed ~~via underground drainlines~~ to a new diversion ditch constructed along the project's eastern boundary where an underground drain line along the future East Kaonoulu Street will convey the runoff to the existing 102-inch culvert crossing at Pi'ilani Highway (See: Appendix L, "Preliminary Engineering Report")

**MTF COMMENT:**

*Given the massive storm water flooding impacts in the areas immediately makai of this project the DEIS should examine alternative project designs that will have less impact on the environment. These should include plans to preserve and enhance "Drainageway A" as a riparian habitat that can absorb larger volumes of storm water and provide an aesthetic natural component to the project.*

*Since several cultural sites lie along the gulch they could be incorporated into the buffer area to maintain a sense of place and local history and add value to the project. A walking path with interpretive signage on the theme "traditional life in Kaonoulu ahupua'a" could connect the sites along the gulch.*

**Response:** In response to comments regarding drainage impacts, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The Project does not propose any channeling or culvert work for Kulanihakoi Gulch. The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a makai terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi

Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Under current conditions, no riparian zone exists in the vicinity of Drainageway "A" within the Project site.

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

In response to comments regarding drainageway A, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

**MTF COMMENT:**

*DEIS: "In compliance with Maui County's Drainage Rules, underground detention chambers within Promenade South and an open detention pond within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream storm water discharges to a peak flow rate that does not exceed pre-development levels."*

*Comments: What monitoring plan will be in place to ensure the project complies with this claim? How will excess flow be handled if intensifying storm cycles produce greater than peak flows?*

*The Engineering report notes that the Kaonoulu Road extension, Pi'ilani Road improvements, and the other offsite improvements, and conditions of the original Kaonoulu Ranch large lot subdivision are exempt from the storm water quality requirements passed in 2012. The FEIS should state this and discuss pollutant types and levels likely to be found in those runoff areas and where potentially polluted storm water flows (23.4 cfs) will be transported.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

Both under- and above-ground stormwater detention basins will have sufficient capacity to accommodate the standard 50 year design storm required of new developments by the DPW. Should a larger storm event occur, stormwater in excess of the available basin capacity will overflow into the storm drainage systems located within East Kaonoulu Street and Pi'ilani Highway.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q, "Soil Investigation Reports")

The Project does not propose any channeling or culvert work for Kulanihakoi Gulch. The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Under current conditions, no riparian zone exists in the vicinity of Drainageway "A" within the Project site.

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

**MTF COMMENT:**

*DEIS: "Once the storm water detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation."*

*Comment: The project does not propose to retain all of its onsite storm water flows, as proposed for a number of projects, only those generated above the existing flow levels.*

*Current pre-development levels of onsite and offsite flows are already problematic in this area and at the mouth of Kulanihakoi gulch.*



*The DEIS does not provide enough information to evaluate whether there will continue to be impacts or not.*

*The current proposed PP drainage plan makes no real contribution to improving existing ocean water quality, merely promising "not to make it worst."*

*Policy makers should require alternative project designs that absorb the maximum amount of water onsite to reduce both offsite and onsite flow levels.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

**MTF COMMENT:**

**3. Water**

*Comments: it is unclear how the proposed improvements will mitigate the fact that there is no confirmed water allocation for this project.*

*If the project demands 250,000 gpd from the Central Maui well system will there be impacts to the Iao/Waihee aquifer? Will other projects waiting for water be unable to hook up to the system due to capacity restraints and will stream flows be impacted? Water demand may be higher as the HPLLC project demands are not included in the DEIS. The PP system has the capacity to deliver nearly 1mgd of potable water; how would that affect existing aquifers?*

*Impacts of relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street are not mentioned. How deep will the water line need to be buried? Will blasting be involved? Will water service to local residents be interrupted?*

*The DEIS provides no discussion of these likely impacts. Impacts of pumping up to 121,000 gpd from the proposed non-potable well and other water demands from the HPLLC project site are not stated and should be included in the FEIS.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 3 (Water) has been revised to include the following language.

Drinking water for the south Maui area currently comes from existing wells located in upper Waiehu and North Waihee which draws groundwater from the Iao and Waihee Aquifers. Drinking water from these wells is pumped into to an existing 1.0 million gallon (MG) capacity concrete water storage tank

located in upper Waiehu, then conveyed across the isthmus by the Central Maui Water System's 36-inch diameter transmission main to consumers in South Maui. The existing DWS drinking water distribution system does not currently extend into the project area.

The Central Maui Water Transmission Line currently bisects the Honua'ula Parcel and the Project site diagonally and is proposed to be re-routed within an easement at the eastern (mauka) edge and continue underneath East Kaonoulu Street. The proposed transmission line realignment will create new bends in the pipe at the eastern (mauka) edge of East Kaonoulu Street and at the intersection of East Kaonoulu Street and Pi'ilani Highway as shown in figure 3-1 of the Preliminary Engineering Report prepared by Warren S. Unemori Engineering, Inc. The relocated waterline will be designed and engineered with proper materials to maintain the existing water flow to south Maui customers. In addition, the new 1.0 MG water tank to be constructed as part of the Project will create additional water storage capacity in south Maui. The County DWS, which has sole jurisdiction for the management of the Central Maui Water Transmission System, has already reviewed the specific construction details associated with the transmission line realignment and approved it for construction.

The drinking water for the Project will come from the Central Maui Water System which is supplied by fresh water from the Iao and Waihee Aquifers. At the request of the DWS, the Applicant agreed to construct a 1.0 MG water storage tank to serve the future needs of the Project and South Maui. Three 3-inch domestic water meters have been approved and are available for the Project. The combined flow capacity of these meters is 1,050 gpm, which exceeds the approximately 600 gpm of required flow capacity for the Project. Therefore, there will be adequate flow capacity to build out the Project. Consequently, no additional drinking water sources beyond the County-issued water meters are anticipated in order to construct and operate the Pi'ilani Promenade.

The Honua'ula Affordable Housing Development is estimated to need a storage allowance of 210,000 gpd of water. 250 dwelling units x 560 gpd average daily consumption x 1.5 peaking factor = 210,000 gallons per day. This number was estimated by the project civil engineer using the formula provided by the County.

#### **MTF COMMENT:**

##### **4. Wastewater**

*MTF asked the DEIS to discuss why this project would have sewage capacity while other South Maui projects have been told there is no sewage capacity for their proposals at the Kihei Wastewater Treatment Plant? What volume of wastewater will the two housing areas (PP and HPLLC) and the commercial use generate? Is there a commitment for service at the Kihei facility? These topics are not discussed in the DEIS.*

*Comments: PP is expected to generate 114,000 gallons of wastewater per day. No figures are given for HPLLC residential wastewater demand. Maui County's Dept. of Public Works noted in their comments (DEIS, App. A) that no capacity could be confirmed at the Kihei facility until the time of project build out. The FEIS should include wastewater demand figures for both PP and HPLLC projects.*

**Response:** In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Wastewater Reclamation Division of the Maui Department of Environmental Management reports that available capacity at the KWWRF is approximately 4.6 million-gallons-per-day (mgd) of out of 8.0 mgd total treatment capacity based on measured average daily flows. As such, there should be ample

treatment capacity available to accommodate the 114,000 gallon (0.1 mgd) daily wastewater flow which the Pi'ilani Promenade project is expected to generate. Additionally the proposed Honua'ula Affordable Housing Development wastewater generation of 63,750 gpd can also be accommodated at this time. In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Pi'ilani Promenade is expected to generate 114,000 gallons of wastewater per day. The Apartment uses will generate 57,630 gpd, the Light Industrial uses will generate 2,879 gpd and the business commercial uses will generate 53,071 gpd.

In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Honua'ula Affordable Housing Development is estimated to generate 63,750 gallons per unit per day of wastewater. 250 dwelling units x 255 gpd average daily generation = 63,750 gallons per day. This number was estimated using the formula provided by the County.

**MTF COMMENT:**

**5. Electrical**

*MTF asked the DEIS to discuss what the anticipated energy usage of the proposed project would be? Are offset installations of renewable energy planned on site? What efficiency designs are being incorporated into buildings and systems? The DEIS provides some of this information but lacks a robust discussion of energy efficiency and renewable energy options and plans.*

*DEIS: "the existing 12 kVA system does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Pi'ilani Promenade development plan."*

*Comment: This is a tremendous amount of power (6.25 MW), enough to power almost 1000 houses. The FEIS should discuss in greater detail project plans to produce renewable energy on site and energy conservation measures incorporated into site design. Only solar hot water systems are mentioned in the DEIS. What are the impacts of generating this amount of energy?*

**Response:** In response to comments regarding energy, the FEIS Section III. D. 5. (Electrical) has been revised to include the following language:

MECO will provide temporary power to serve the project during construction. MECO is planning a new substation to provide the additional capacity needed to accommodate further growth in the ~~north~~ Kihei mauka area. However,

MECO has advised that the existing 12 kV system, based on current electrical use growth projections, does not have sufficient spare capacity to accommodate the estimated 6,250 kilo-volt-ampere (kVA) of load required by the current Pi'ilani Promenade development plan. MECO has agreed to provide temporary power to the project until the substation is complete.

The new substation will be located in the ~~northwest~~ northeast corner of the Pi'ilani Promenade development, and will be fed by an overhead 69 kV line extension across Pi'ilani Highway, which will be tapped into MECO's transmission loop pole line below the highway. (See Figure 6-1 of Appendix L,

"Preliminary Engineering Report"). The new MECO substation is a permitted use in the Light Industrial (LI) zoning district and subject to review and approval by the State Public Utilities Commission. The substation will contain two (2) MECO transformers to step down the voltage from 69 kV to 12 kV for local distribution. A new 12 kV concrete-encased underground ductline and manholes will be provided to extend power from the substation to a major ductline along the Kaonoulu Street extension. Stubouts for 12 kV distribution line will be provided at each bulk-lot for future onsite distribution. All power distribution serving uses within the project will be underground, including the wiring along East Kaonoulu Street for MECO's street lighting system. As of August 1, 2016 the MECO substation eventually will be subdivided out of the project parcel once the offsite improvements are completed. MECO will apply for building and electrical permits as needed. MECO anticipates beginning construction in March 2017 and estimates completion by September 2017.

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water

**MTF COMMENT:**

DEIS: "The new [MECO] substation will be located in the northwest corner of the Pi'ilani Promenade development"

Comment: On fig 3 site plan the MECO substation is shown in the NE corner of the project? Which is correct?

**Response:** In response to comments regarding the substation, the FEIS Section III. D. 5. (Electrical) has been revised to include the following language:

The new substation will be located in the ~~northwest~~ northeast corner of the Pi'ilani Promenade development, and will be fed by an overhead 69 kV line extension across Pi'ilani Highway, which will be tapped into MECO's transmission loop pole line below the highway. (See Figure 6-1 of Appendix L, "Preliminary Engineering Report").

**MTF COMMENT:**

IV Relationship to Government Plans and Policies  
B. STATE LAND USE

Comment: The DEIS notes that it has submitted support for a Motion to Amend the project's existing Findings of Fact, Conclusions of Law, and Decision and Order which the State Land Use Commission (LUC) issued on February 10, 1995. The DEIS does not sufficiently discuss why it is asking that various conditions be amended.

**Response:** In response to comments regarding LUC conditions, the FEIS Section IV. B. (State Land Use) has been revised as follows:

In the Motion to Amend, Applicant requests that the LUC issue a new docket sheet for that portion of the property subject to the LUC's 1995 Decision and Order that is owned by Applicant, that the Applicant be released from the conditions of the 1995 Decision and Order, and that the LUC issue new Findings of Fact, Conclusions of Law, and a Decision and Order specific to the planned Pi'ilani Promenade project that is the subject of this FEIS. Attached hereto as Appendix N is a review and analysis of the currently existing conditions in the 1995 Decision and Order that would be included in the new Findings of Fact, Conclusions of Law and Decision and Order and would apply only to the Pi'ilani Parcels, as sought by Applicant in the Motion to Amend (See: Appendix N, "Conditions of the Motion to Amend with Proposed Changes").

**MTF COMMENT:**

*County Wide Policy Plan (CWPP):*

*Objective 2: Improve the quality of environmentally sensitive, locally valued natural resources and native ecology of each island.*

*c) Improve the connection between urban environments and the natural landscape, and incorporate natural features of the land into urban design.*

*e) Mitigate the negative effects of upland uses on coastal wetlands, marine life, and coral reefs.*

*Comment:*

*Objective 2.c. The project as currently designed does not incorporate natural features of the land, such as the Kaonoulu gulch, a tributary of Kulanihako'i gulch, into the project's design. It is inaccurate to claim that it supports this objective of the CWPP under the current project design.*

*Objective 2. e. By working with natural features of the land, such as the gulch, to increase the capacity to absorb storm flows the project has an opportunity to address a persistent cause of flooding and pollution to the near shore waters and marine life of South Maui.*

*In order to support this CWPP policy the project needs to limit storm water discharges created by the project itself and mitigate the existing levels of storm water discharge originating on the land (85 cfs) and passing through the land (498cfs).*

*The project has not offered any alternative designs to mitigate these existing drainage impacts and instead acts to concentrate flows, remove any chance they currently have to be absorbed by the earth, and then dump them into the already overburdened Kulanihako'i gulch. This should be explored in the DEIS but is not.*

**Response:** In response to comments regarding natural resources, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised as follows:

The Applicant has changed items a-i to "N/A" as the Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. In addition, through the EIS and

~~entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

The Project supports policy items a, b, e and f. The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch. (pg. 162 FEIS)

The Applicant has changed items c, d, g, i to "N/A" as the Project is not proposing to incorporate natural features of the land into urban design, does not utilize land conservation tools, and does not regulate the use and maintenance of stormwater treatment systems. The Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. In addition, through the EIS and  
~~entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

**MTF COMMENT:**

**B. Preserve Local Cultures and Traditions**

*Objective (1) Perpetuate the Hawaiian culture as a vital force in the lives of residents.*

*(f) Recognize and preserve the unique natural and cultural characteristics of each ahupua'a or district.*

*Comment: Object 1.f. CWPP. The PP project spans an entire section of the Kaonoulu ahupua'a. Presently, not one natural or cultural feature in the project site will remain to represent the heritage of the ahupua'a.*

*To remedy this, the project is being asked to preserve several culturally significant sites on the land and work to return a significant cultural feature that was removed. In order to meet this objective of the CWPP the EIS should incorporate design alternatives that reflect the information given during the brief cultural consultation process. These would include:*

- preservation of the natural gulch ("Drainageway A") and associated cultural habitation sites - a major feature of the ahupua'a*
- preservation of other culturally significant sites identified on the property*

- *return the petroglyph stone to the site since it is an important feature of the ahupua'a*
- *acknowledge that there is cultural use of the land and amend the CIA by interviewing cultural practitioners*
- *provide for cultural access and cultural use of the land for traditional seasonal celebrations*

**Response:** In response to comments regarding Hawaii culture, lifestyle and art, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed all items to "N/A". As discussed in Section III.A. 8 (Historical and Archaeological Resources) The proposed project will not impact Kulanihakoi Gulch and is not anticipated to significantly impact the physical environment. The project promotes the preservation of historic resources and the Applicant's will work with the State Historic Preservation Division to prepare a data recovery plan. The Project archaeologist submitted a data recovery plan to the SHPD on June 17, 2016, and it is currently under review.

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing potential impacts to Kulanihakoi Gulch and the return of the petroglyph boulder that was previously removed from the project site by a former land owner, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and that the petroglyph boulder be returned to the property. The Applicant has discussed the possible return of the petroglyph boulder with the former land owner; however, the former owner rejected this request since the relocation plan was approved by State Historic Preservation Division (SHPD). In addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

As discussed in Section III.B.4 (Cultural Resources) the cultural impact statement (CIA) and the SCIA which was were prepared for the proposed project reported that there were no visible cultural resources, (i.e. medicinal plants, shoreline resources, religious sites, or archeological resources) observed on the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or any gatherings currently taking place on the site. The oral history interviews did not reveal any known gathering places on the subject property nor did any access concerns surface as a result of the proposed Project. In light of the foregoing, it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.

**MTF COMMENT:**

*E. Kihei-Makena Community Plan*

*Land Use*

*Objectives and Policies:*

*(k) Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, as well as limited marine-based industrial services in areas next to Maalaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui*



*Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.*

*Comment: KMCP Land Use policy (k) addresses the subject property and its uses, as it is the only Light Industrial designated property in the KMCP that is "south of Ohukai and mauka of Pi'ilani Highway." It specifically requires that retail business or commercial activities in this parcel be "limited" to "accessory or provide service to the predominate light industrial use."*

*Community Plans have the force of law. The argument that County zoning "implements" the Community Plans does not stand where the two conflict. The Community Plan has always held "more weight."*

*The provision for five acres of a 75 acre site to be utilized as Light Industrial does not comply with the directive for "predominate light industrial use."*

*The FEIS should clearly indicate that a Community Plan Amendment is needed for the project to proceed as proposed.*

*As required in HAR 11-200-17, more alternative project designs should be fully discussed and the EIS should give a "rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions," with supporting data, especially those that would avoid destruction of natural and cultural resources.*

**Response:** The first page of substantive text in the 1998 Kihei Makena Community Plan it is stated:  
"A. Purpose of the Kihei-Makena Community Plan

The Kihei-Makena Community Plan, one of nine (9) community plans for Maui County, reflects current and anticipated conditions in the Kihei-Makena region and advances planning goals, objectives, policies, and implementation considerations to guide decision-making in the region through the year 2010. The Kihei-Makena Community Plan provides specific recommendations to address the goals, objectives, and policies contained in the General Plan, while recognizing the values and unique attributes of the Kihei-Makena area in order to enhance the region's overall living environment.

... Implementation of the goals, objectives and policies contained in the Community Plan is defined through specific implementing actions, also set forth in each community plan. **Implementing actions as well as broader policy recommendations are effectuated through various processes, including zoning, the capital improvements program, and the County budgeting process.**" (emphasis added)

Following the adoption of the KMCP in 1998, the Maui County Council Zoned the Project site Light Industrial without restriction of the uses permitted by Maui County Code Chapter 19.24 M-1 Light Industrial District in 1999.

In response to comments regarding the KMCP, the FEIS Section V. D. (Unresolved Issues) has been revised to include the following language.

## **2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

#### MTF COMMENT:

##### *V. Contextual Issues*

##### *A. RELATIONSHIP BETWEEN SHORT-TERM USES AND MAINTENANCE OF LONG-TERM PRODUCTIVITY*

*DEIS: "Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan."*

*Comment: Much of Maui's economy is already based upon visitor facilities, visitor activities and visitor-friendly commercial retail service centers such the proposed PP project; the project provides no real "diversification."*

*The DEIS claims the project diversifies the economy and creates living wage jobs without specifying how many non-service sector, high-wage employment opportunities are planned for the commercial spaces. The industrial park concept is likely to provide more opportunity for small business startups to diversify the economy, due to lower rents.*

**Response:** As noted in the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity)

In the long-term, the infrastructure and building construction associated with the Pi'ilani Promenade would facilitate the diversification of Maui's economy. Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan.

**MTF COMMENT:**

*DEIS: "this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project with employment opportunities in close proximity."*

*Comment: The project has little to do with "new urbanism" design principles which are based upon small streets, minimum parking lots, integration of natural systems and features into project design, housing integrated into upper levels of commercial buildings, and respect for the history of a place.*

*PP is bisected by a high traffic, four lane roadway destined to become a major east-west thoroughfare; it features large paved parking areas which increase heat and run-off; and elimination of natural and cultural features.*

*The FEIS should present an alternative project design that actually incorporates the principles of new urbanism.*

**Response:** The issue being addressed during this process is the Parcel's State Land Use Designation. The Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

The Project Site is located at the future intersection of the Pi'ilani and Kihei to Upcountry Highways. The Project will engage these major roadways as much as possible to the benefit of the future occupants of the development and the Highway users. The Project will also engage the abutting neighborhoods through enhanced pedestrian and bicycle access described above.

As noted in the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity)

With regard to long-term productivity, this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project

with employment opportunities in close proximity. Implementation of this vision will require a broadening of the development standards to allow a variety of lots sizes for the use of smaller firms and, professional services, restaurants, neighborhood serving retail, and housing.

**Response:** In response to comments regarding new urbanism, the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity) has been revised to include the following language.

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business /commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

**MTF COMMENT:**

**B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

*Comment: The loss of natural and cultural resources such as Kaonoulu gulch, all evidence of pre-contact habitation sites, ceremonial markers and the cultural practices associated with them, should also be included in these remarks.*

*The loss of potential groundwater input into near shore waters from the project's irrigation well pumping, the continued degradation of down-slope waters and reefs due to the project not addressing current storm water drainage impacts (instead concentrating flows and sending them offsite) will result in irreversible commitments and harm of public trust resources.*

*HEPA instructs agencies: "Agencies shall avoid construing the term 'resources' to mean only the labor and materials devoted to an action. 'Resources' also means the natural and cultural resources committed to loss or destruction by the action." The FEIS should reflect these losses.*

**Response:** In response to comments regarding commitment of resources, the FEIS Section V. B. (irreversible and irretrievable commitment of resources) has been revised to include the following language.

In response to comments from the LUC, the commitment of resources will be provided by the Applicant. The Applicant will finance the construction of the project with private funds. The following responses quantifies the Applicant's commitment of resources as a result of the proposed project.

**Land:** the project site development parcels and roadway widening lots total 74.871 acres of land that will be irretrievable.

**Labor:** Construction is estimated to provide 878 "worker years" of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period.

**Construction materials:** The cost of the project is estimated in Table No. 1a of the FEIS and the infrastructure for the project is estimated to cost approximately \$22 million dollars, the estimated vertical construction cost for Phase 2 is \$74,000,000.00 and Phase 3 is estimated at \$118,250,000.00.

**Energy:** The project is estimated to utilize 6,250 kVA of electricity. MECO will supply electricity to the project site and has been provided a lot within the proposed development to construct a new MECO substation to provide stable power to the project site and future development in the area.

There will be a permanent commitment of funds and resources from the developer to design, construct and operate the project.

**MTF COMMENT:**

**C. CUMULATIVE AND SECONDARY IMPACTS**

*Impacts to Natural and Environmental Resources*

*Comment: Impacts to natural and environmental resources such as groundwater, coastal water quality, public view planes, natural and cultural resources and cultural practices, are likely to occur regardless of Best Management Practices and mitigation measures due to the data these mitigations are based on being incomplete or inaccurate. How will proposed mitigations be monitored for effectiveness? This lack of information fails to meet HEPA EIS review standards (11-200-17, HAR).*

**Response:** In response to comments regarding the cumulative and secondary impacts, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

The Applicant will be required to comply with mitigation measures as mandated by County and State law.

As documented in Section III.D of the DFEIS, the Pi'ilani Promenade will mitigate its impact on infrastructure and public facility systems through a variety of on- and off-site infrastructure and public facility counter-measures. One such counter measure, as documented in Section III.D.3 of the DFEIS, is the development of a 1.0 MG drinking water storage tank to provide drinking water storage to accommodate the cumulative impact of projected population growth. Property taxes generated by the development, together with other planned projects in the area, will help fund County operations and capital improvement projects.

The mitigation of other projects potential adverse cumulative impacts resulting from infrastructure use will be provided during the course of development by providing additional facilities on-site and offsite

such as park facilities, stormwater management, and water. Mitigation measures will also include required contribution of impacts fees such as school, traffic and wastewater.

The projects listed in Table No. 16 represent future potential developments identified, however the timeframe for these projects are dependent upon individual entitlement processes and market conditions which are not linked to the proposed Pi'ilani Promenade project. It is in this context that Maui County has processes and mechanisms to ensure that mitigation measures attributable to cumulative impacts are provided.

**MTF COMMENT:**

*Coastal Water Quality.*

*DEIS: "Development of the Pi'ilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMP's are not strictly adhered to."*

*Comment:*

*The FEIS should acknowledge the cumulative impacts associated with the onsite runoff when transported off property as it combines with storm water from the surrounding properties with solutions or mitigations proposed.*

**Response:** In response to comments regarding coastal water quality, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

Development of the Pi'ilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMPs are not strictly adhered to. During the construction phase, BMPs must be implemented to mitigate runoff of bare soils and other construction contaminants into drainageways and culverts. If not properly mitigated, the cumulative impact of these contaminants could impact coastal water quality.

During the Project's operation phase, any increase in runoff will be maintained on site as required by the County's drainage rules (See: Section III.D.2) Maintaining runoff on-site, together with filtration of contaminants from runoff, will mitigate the Project's impact to coastal waters. Likewise, future developments in the area will be required to implement similar mitigation measures as part of their operation phase BMPs.

The projects listed in Table No. 16a have the following increase in estimated peak runoff identified in their respective applications. Note: Honua'ula affordable housing development application has not been prepared at the time of this FEIS.

**Table No. 16a Other Potential Projects: Drainage**

<u>Development</u>	<u>Increase in Runoff from proposed projects (cubic feet per second, cfs)</u>
<u>Kaiwahine Village</u>	<u>11.15 cfs</u>
<u>Maui Lu Resort</u>	<u>10.6 cfs</u>
<u>Kihei High School</u>	<u>60 cfs</u>
<u>Kenolio Apartments</u>	<u>15.57 cfs</u>
<u>Kihei Residential</u>	<u>96 cfs</u>
<u>Downtown Kihei</u>	<u>10.6 cfs</u>
<u>Maui Research and Technology Park</u>	<u>525 cfs</u>
<u>Honua'ula Affordable Housing Development</u>	<u>unknown</u>
<b><u>Total</u></b>	<b><u>728.92 cfs</u></b>

The total increase in runoff as a result of the development of projects listed in Table No. 16a is 728.92 cfs. The total runoff amount will be retained by the individual projects in accordance with the Maui County drainage rules.

The specific mitigation measures identified for projects in Table No. 16a vary from above ground landscaped detention basins, underground basins within parking lots and roadways, vegetated swales and landscape planting to reduce the impacts associated with runoff. Water Quality will be maintained by the future drainage systems for surrounding projects including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution.

All surrounding projects will be required to implement the BMP's as required by the County and State. In addition, the Applicant understands that all other projects related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

The Applicant has reviewed the Guidance Document titled, *Stormwater Impact Assessments*, prepared by PBR Hawaii and Associates, Inc. for the Hawaii Office of Planning in May 2013. The purpose of the Guidance Document is to provide guidance on assessing stormwater impacts in the planning phase of project development.

"The Guidance Document suggests incorporating design concepts and mitigation measures into the planning phase of development to achieve compliance with existing ordinances, rules, and regulations. No new regulations are proposed with this Guidance Document."

As noted in the FEIS section V. C. (cumulative and secondary impacts) the post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.



The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Therefore the Project, together with other planned projects in the area, should not have a significant cumulative impact on coastal water quality if construction and operation phase BMPs are strictly adhered to. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16.

**MTF COMMENT:**

**Agricultural Lands.**

*Comment: The cumulative impact of the conversion of hundreds of acres of grazing lands to urban use should be discussed in the FEIS, especially in terms of drainage, traffic, drinking water and groundwater demands, and impacts to near shore waters.*

**Response:** In response to comments regarding agricultural lands, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

As documented in Section III.A.10 of the DEIS, the Pi'ilani Promenade is located on State designated Urban land, therefore, the Project is not expected to have a significant cumulative impact upon the long-term viability or growth of agriculture on Maui.

In regards to secondary impacts, urban development can impact agricultural land uses in two ways. First, in certain circumstances, urbanization of agricultural lands can cause agricultural lands prices to go higher making it more cost prohibitive for farmers to buy or lease land to farm. Second, urban

development can create use conflicts between farmers and urban residents. In regards to the first issue, the establishment of Urban Growth Boundaries in the Maui Island Plan create more predictable development patterns and this will create more certainty in the urban and agricultural land markets; thereby, mitigating the escalation of agricultural land values. In regards to the second issue, HRS, Chapter 165 "Hawaii Right to Farm Act" protects farmers from lawsuits filed by residents living within close proximity of agricultural operations. Future residents of the Pi'ilani Promenade will continue to be notified prior to the purchase of property that ranching activities will occur on abutting agricultural lands. In addition, the Pi'ilani Promenade will establish landscape planting around the perimeter of the property with a buffer to mitigate potential agricultural use conflicts.

Of the projects listed in Table No. 16, the Kihei High School (76 acres), Kihei Residential (94.3 acres), MRTTP (102 acres) required a State Land Use District Boundary Amendment from Agricultural to Urban. The total designation of Agricultural land to urban for surrounding developments is 272.3 acres. The 272.3 acres represents 0.098 percent of the approximately 246,000 acres of State Agricultural district lands on the island of Maui. Based on this minimal impact to agricultural lands the Project with other potential projects is not anticipated to have a significant impact on Agricultural resources.

The remaining projects on Table No. 16 are located on land that is Urban and therefore no impacts to Agricultural resources are anticipated.

**MTF COMMENT:**

*Drinking Water Resources.*

*Comments: The cumulative and secondary effect of installing the 1 mgd water storage tank means that already stressed 'Iao and Waihee aquifers (both nearing their sustainable yield) must supply water to this proposed urban development. The impacts of the HPLLC and its water use are not considered in the DEIS. The FEIS should acknowledge and discuss mitigations for future impacts to these aquifers.*

**Response:** In response to comments regarding the drinking water resources, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

**Drinking Water Resources.** The development of the Pi'ilani Promenade, together with other area projects, will increase the demand for drinking water. The Applicant is constructing a 1.0 million gallon water tank and supporting infrastructure to provide water for the project and future south Maui water customers. The development of the 1.0 MG water tank will help support the drinking water needs for the future planned growth of South Maui. With these measures in place, significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County's water resources. This 1.0 MG water tank will provide substantially more drinking water source storage than would be required both for the Pi'ilani Promenade Project, and for the Honua'ula affordable housing project, if that project is developed. Other proposed projects will be required to meet the requirements of the Department of Water Supply including but not limited to project specific improvements to the water transmission and storage systems.

**Table No. 16b Other Potential Projects: Water**

<u>Development</u>	<u>Drinking water Demand (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>67,200</u>
<u>Maui Lu Resort</u>	<u>148,800</u>
<u>Kihei High School</u>	<u>185,000</u>
<u>Kenolio Apartments</u>	<u>104,160</u>
<u>Kihei Residential</u>	<u>790,000</u>
<u>Downtown Kihei</u>	<u>48,500</u>
<u>Maui Research and Technology Park</u>	<u>798,065</u>
<u>Honua'ula Affordable Housing Development</u>	<u>210,000</u>
<b><u>Total</u></b>	<b><u>2,351,725 gallons per day</u></b>

It is estimated that the total drinking water demand for the projects listed in Table No. 16b is 2,351,725 gallons per day. As noted in the FEIS the estimates that 0.421 MGD of groundwater can be allocated from the Iao Aquifer System, therefore all proposed projects in Table No. 16b will not be able to utilize drinking water from the Iao Aquifer System. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16b and as development occurs each individual project will need to provide a viable water source. Alternatives considered by the projects in Table No. 16b include but are not limited to drilling wells within the Kamaole Aquifer as a new water source.

**MTF COMMENT:**

*Impacts to the Socio-Cultural Environment*

DEIS: "In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together."

*Comments: The DEIS does not propose a compact, mixed use, interconnected development for PP, declining to build a frontage road and/or bike paths linking it with existing industrial/retail areas to the north; it features no mauka-makai greenways to link with any future growth to the east.*

**Response:** The Project is proposing to develop pedestrian and bicycle connections from East Kaonoulu Street to Ohukai Road, as well as a pedestrian and bicycle path along the Project's western frontage, separated from the highway; rather than the previously proposed vehicle frontage road. The Applicant has also offered to assist SDOT with the design of a pedestrian and bicycle crossing for Kulanihakoi Gulch, within the highway right of way bout outside of the roadway area.

The mauka to makai greenway that is proposed in the vicinity, and identified in the KMCP and South Maui Region Parks & Open Space Maser Plan is located within Kulanihakoi gulch and is supported by the Applicant.

In response to comments regarding the socio-cultural environment, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

The development of the Pi'ilani Promenade, together with other developments in Kihei, will increase population, create jobs, and generate tax revenues. Together, these projects will also increase the demand for housing and place increasing demands on infrastructure and public facility systems both locally and island-wide.

Of the projects listed in table No. 16, the Kihei High School, Downtown Kihei projects are not proposing residential development. The activities of the School and the Downtown projects will require a population of students and teachers and employee and customers, however these facilities will serve people who already live in Kihei and are not expected to be population generations. The Maui Lu project and Honua'ula Affordable housing development are required to provide a total of 404 affordable units in the Kihei Makena plan region. It is unknown at this time what the unit size is for these two projects.

**Table No. 16c Other Potential Projects: Population**

<b>Development</b>	<b>Estimated population</b>
<u>Kaiwahine Village</u>	360
<u>Maui Lu Resort</u>	154 affordable units, population not estimated in report
<u>Kihei High School</u>	0
<u>Kenolio Apartments</u>	498
<u>Kihei Residential</u>	1,800
<u>Downtown Kihei</u>	0
<u>Maui Research and Technology Park</u>	2,756
<u>Honua'ula Affordable Housing Development</u>	250 affordable units, population not estimated
<b>Total</b>	<b>5,414 people</b>

Of the projects listed in Table No. 16c that provided population estimates, the following projects are estimated to generate 5,414 more people living in Kihei.

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

**Table No. 16d Other Potential Projects: Housing**

<b>Development</b>	<b>Land Use</b>	<b>Number of Units/</b>
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		<b>Development Area</b>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms</u> <u>&amp; 154 affordable units</u>
	<u>Existing Hotel</u> <u>(Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>
<u>Maui Research and</u> <u>Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/</u> <u>Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable</u> <u>Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<u>Total</u>	<u>Single Family</u>	<u>1,150 SF units</u>
	<u>Multi Family</u>	<u>1,410 MF units</u>
		<u>2,560 total units</u>

The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

The continued build-out of Kihei will also change the area's urban design character and sense of place. Today, Kihei is a developing community with a number of undeveloped infill parcels intermixed with lower and medium-density residential, strip commercial, industrial, resort and public facility uses. In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together. An increase in population, including population created by the Pi'ilani Promenade, may increase demand for coastal and inland active and passive recreation lands. The County's Infrastructure and Public Facilities Issue Paper (September 2007) recommends a pro-active public-sector strategy to acquire additional shoreline and inland park lands to accommodate the increasing demand for recreation and shoreline-based cultural activities. MCC Title 18.16.320 requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

Of the projects listed in Table No. 16e the Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 which requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

**Table No. 16e Other Potential Projects: Recreation Facilities**

<u>Development</u>	<u>Parks Contribution</u>
<u>Kaiwahine Village</u>	<u>0</u>
<u>Maui Lu Resort</u>	<u>0</u>
<u>Kihei High School</u>	<u>0</u>
<u>Kenolio Apartments</u>	<u>0</u>
<u>Kihei Residential</u>	<u>On site park with restrooms and parking will be provided</u>
<u>Downtown Kihei</u>	<u>0</u>
<u>Maui Research and Technology Park</u>	<u>On site parks and open space will be provided</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Cash-in-lieu fee to be paid to Maui County</u>

The Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 and will therefore mitigate potential recreational impacts by providing park space in Kihei-Makena region.

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business / commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

#### **MTF COMMENT:**

##### *Infrastructure and Public Facilities*

*Comment: Construction of the KUH will have numerous secondary and cumulative impacts to growth areas beyond what is now proposed in the MIP. The DEIS assumes future growth will be confined to the MIP Urban Growth Boundary areas yet major roadways trigger urban conversion of adjoining lands. While the MIP proposes a limited area along the future KUH for potential growth it also proposes the establishment of mitigating features such as greenways and open spaces.*

**Response:** In response to comments regarding infrastructure and public facilities, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

**Infrastructure and Public Facilities**

The build-out of the Pi'ilani Promenade, together with other developments in Kihei, will increase population; thereby, increasing the demand for infrastructure and public facility systems, including water, wastewater, and roadways; solid waste, schools, and parks; and medical facilities, public transit and government offices. The County's Infrastructure and Public Facilities Issue Paper (September 2007) documents the impact of projected population growth on the County's infrastructure and public facility systems by region and identifies associated capital improvement projects to support this growth.

The TIAR update prepared for the project has examined and evaluated traffic impacts of the project, as well as the other potential projects identified on Table No. 16f. The projected trip generation impact of these projects is presented in table 10 in the TIAR update. As noted in the TIAR, these projects have been included in the traffic analysis, however some projects are in the planning and entitlement phase and for various reasons may not be constructed within the estimated completion date of this project.

**Table No. 16f Other Potential Projects: Traffic**

<b>Development</b>	<b>Trip Generation AM</b>	<b>Trip Generation PM</b>
<u>Kaiwahine Village</u>	<u>66</u>	<u>80</u>
<u>Maui Lu Resort</u>	<u>316</u>	<u>363</u>
<u>Kihei High School</u>	<u>693</u>	<u>215</u>
<u>Kenolio Apartments</u>	<u>103</u>	<u>127</u>
<u>Kihei Residential</u>	<u>616</u>	<u>737</u>
<u>Downtown Kihei</u>	<u>230</u>	<u>393</u>
<u>Maui Research and Technology Park</u>	<u>2120</u>	<u>1713</u>
<u>Honua'ula Affordable Housing Development</u>	<u>127</u>	<u>158</u>
<b><u>Total</u></b>	<b><u>4271</u></b>	<b><u>3786</u></b>

Of the projects listed in Table No. 16f the estimated traffic generation is 4,271 trips in the morning and 3,786 trips in the afternoon. The proposed traffic mitigation measures for the other potential developments are provided in Section D. 1 (Roadways) of the FEIS.



**Table No. 16g Other Potential Projects: Wastewater**

<u>Development</u>	<u>Wastewater (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>76,500</u>
<u>Maui Lu Resort</u>	<u>116,500</u>
<u>Kihei High School</u>	<u>210,000</u>
<u>Kenolio Apartments</u>	<u>47,430</u>
<u>Kihei Residential</u>	<u>935,000</u>
<u>Downtown Kihei</u>	<u>177,800</u>
<u>Maui Research and Technology Park</u>	<u>1,850,000</u>
<u>Honua'ula Affordable Housing Development</u>	<u>63,750</u>
<u>Total</u>	<u>3,476,980</u>

Of the projects listed in Table No. 16g the estimated wastewater generation is 3,476,980 gallons per day and the available capacity at the KWWRF is approximately 4.6 million gallons per day, therefore the total of other developments listed can be accommodated.

Other developments will be required to pay assessment fees also and mitigate impacts to the County sewer and maintain system service.

Sewage generated by the Project will be treated at the KWWRF. As indicated by the County DEM, wastewater capacity is available for the project. The Applicant will be required to make system improvements at the time of service and applicable assessment fees will be required.

As documented in Section III.D of the DFEIS, the Pi'ilani Promenade will mitigate its impact on infrastructure and public facility systems through a variety of on- and off-site infrastructure and public facility counter-measures. One such counter measure, as documented in Section III.D.3 of the DFEIS, is the development of a 1.0 MG drinking water storage tank to provide drinking water storage to accommodate the cumulative impact of projected population growth. Property taxes generated by the development, together with other planned projects in the area, will help fund County operations and capital improvement projects.

The mitigation of other projects potential adverse cumulative impacts resulting from infrastructure use will be provided during the course of development by providing additional facilities on-site and offsite such as park facilities, stormwater management, and water. Mitigation measures will also include required contribution of impacts fees such as school, traffic and wastewater.

The projects listed in Table No. 16 represent future potential developments identified, however the timeframe for these projects are dependent upon individual entitlement processes and market conditions which are not linked to the proposed Pi'ilani Promenade project. It is in this context that Maui County has processes and mechanisms to ensure that mitigation measures attributable to cumulative impacts are provided.

Secondary impacts could also result from investments into infrastructure and public facility improvements to support the Project. For example, development of the KUH could induce further growth mauka of Pi'ilani Highway. As documented in Section III.D.1 of the DEIS, development mauka of Pi'ilani Highway is supported by the Maui Island Plan. The future growth of the KUH outside of the project area is unknown at this time.

While the project is anticipated to add to the resident population, the proportion of in-migrants is expected to be modest given the demand for apartment rental housing in Kihei. As previously noted, the project will result in construction-term expenditures, wages and taxes. Real property taxes will contribute to the County's revenue tax base to support the increase in public services. The project is not anticipated to have a significant adverse impact on the physical environment.

#### MTF COMMENTS:

##### *Unresolved Issues*

*MTF asked the DEIS to acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial and some housing, opposite of what is specified in the community plan. The 226 to 476 housing units that proposed for the entire 88 acres were not envisioned or approved in the community plan. The DEIS notes the issue as "unresolved."*

*All parcels involved in the original 1995 LUC DBA, the 13-acre Honua'ula housing project and 75-acre commercial/light industrial/housing project should be the subject of a Community Plan Amendment.*

**Response:** In response to comments regarding the KMCP, the FEIS Section V. D. (unresolved issues) has been revised to include the following language.

#### **2. Compliance with the Kihei-Makena Community Plan**

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, . . . . These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current

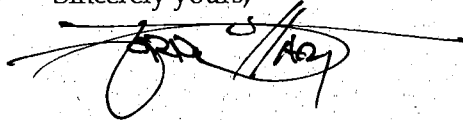
Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

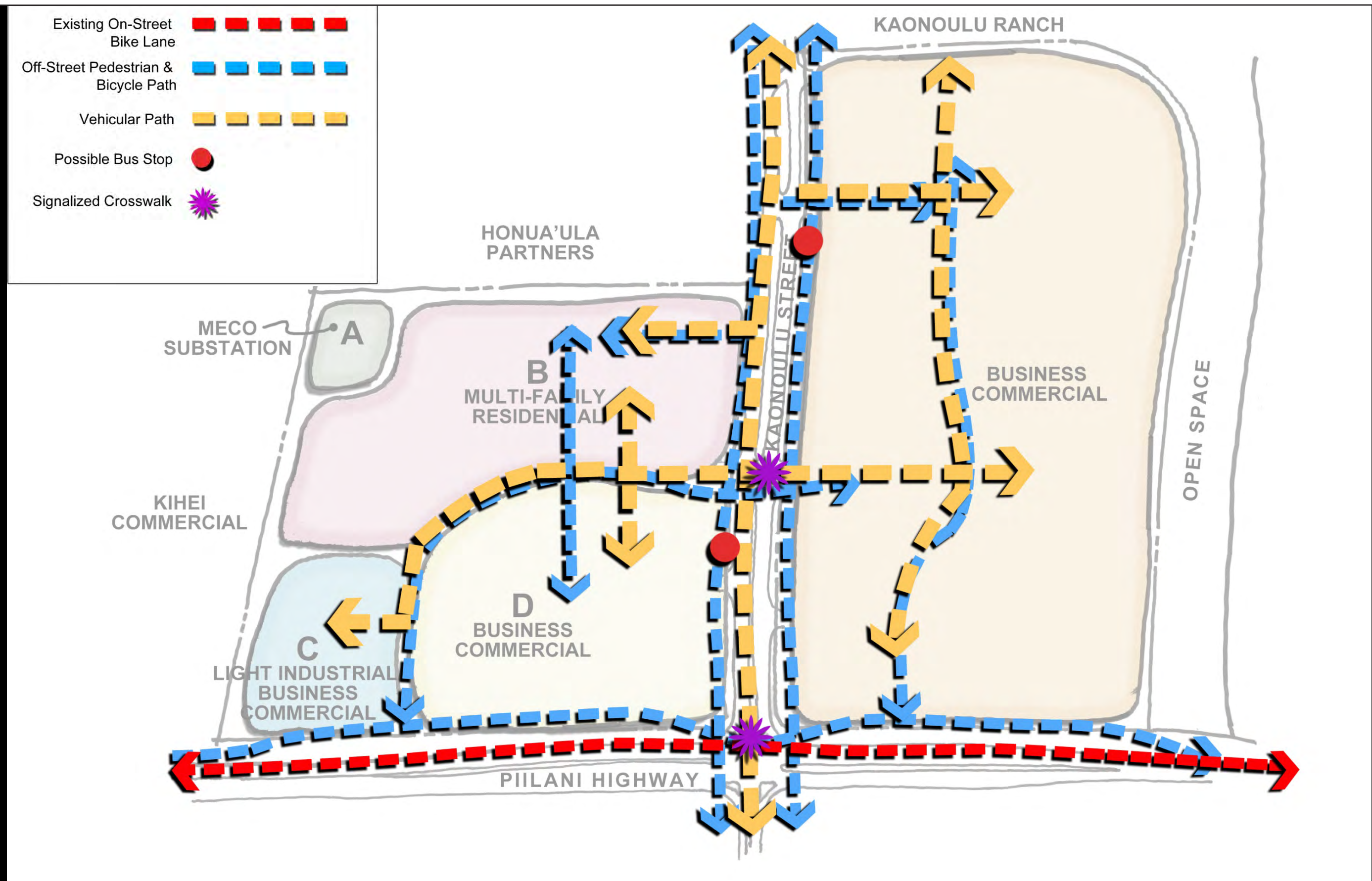
Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Hart", with a long horizontal line extending to the right.

Jordan E. Hart, President

Enclosures (5)  
Figure 15 Conceptual Circulation Plan  
Figure 18 Noise Impact Map 5A  
Figure 19 Noise Impact Map 6A  
Figure 20 "USGS MAP 1923"  
Figure 21 "USGS MAP 1983"

CC: Mr. Charlie Jencks, Ownership Representative  
Mr. Daniel E. Orodnenker, Executive Officer, LUC  
Project File 13-029



# Piilani Promenade

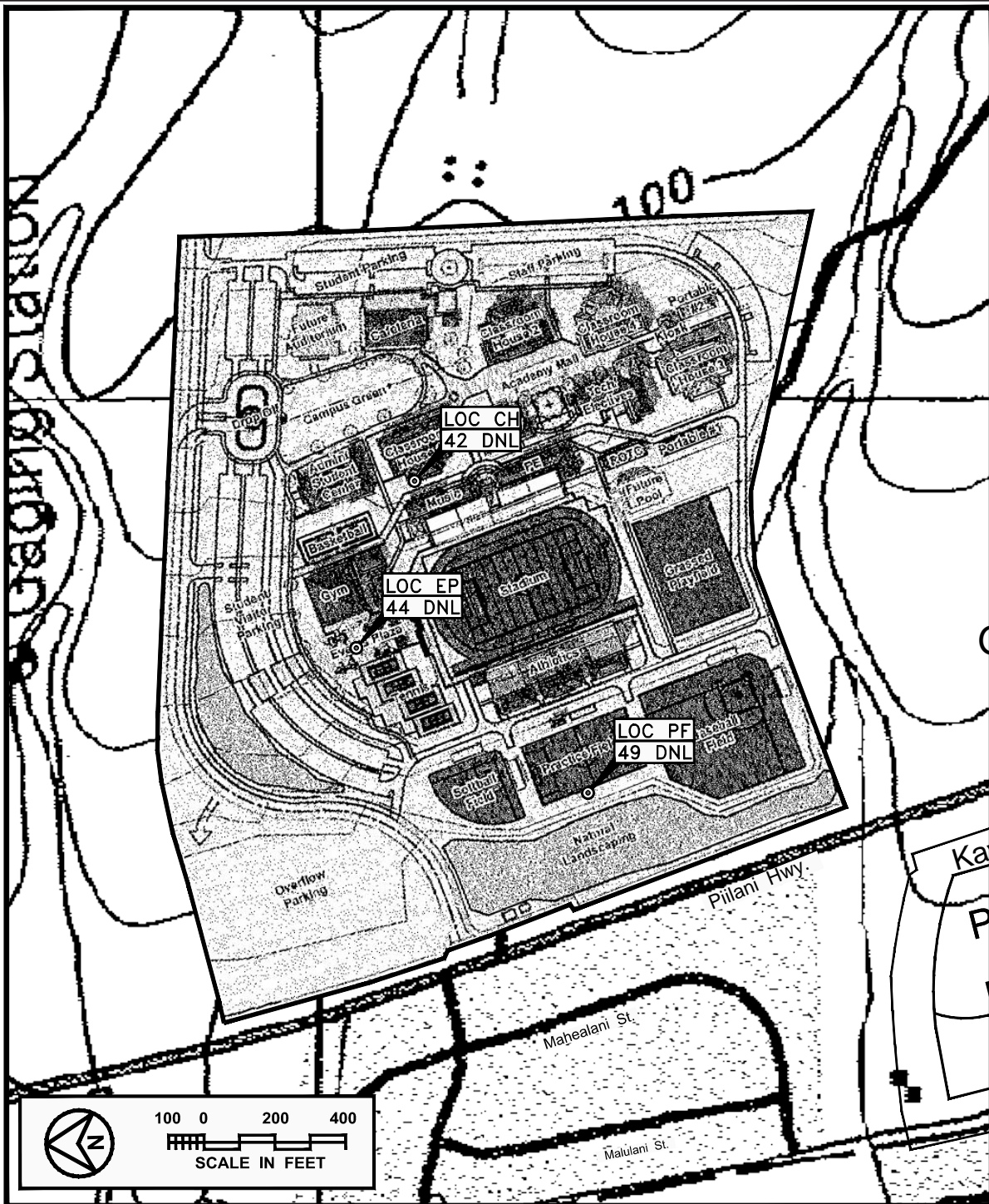
Maui, Hawaii

**FIGURE 15**  
Conceptual Circulation Plan

Piilani Promenade  
Source: Architects Orange







**KIHEI HS SITE MAP AND  
EXISTING TRAFFIC NOISE LEVELS**

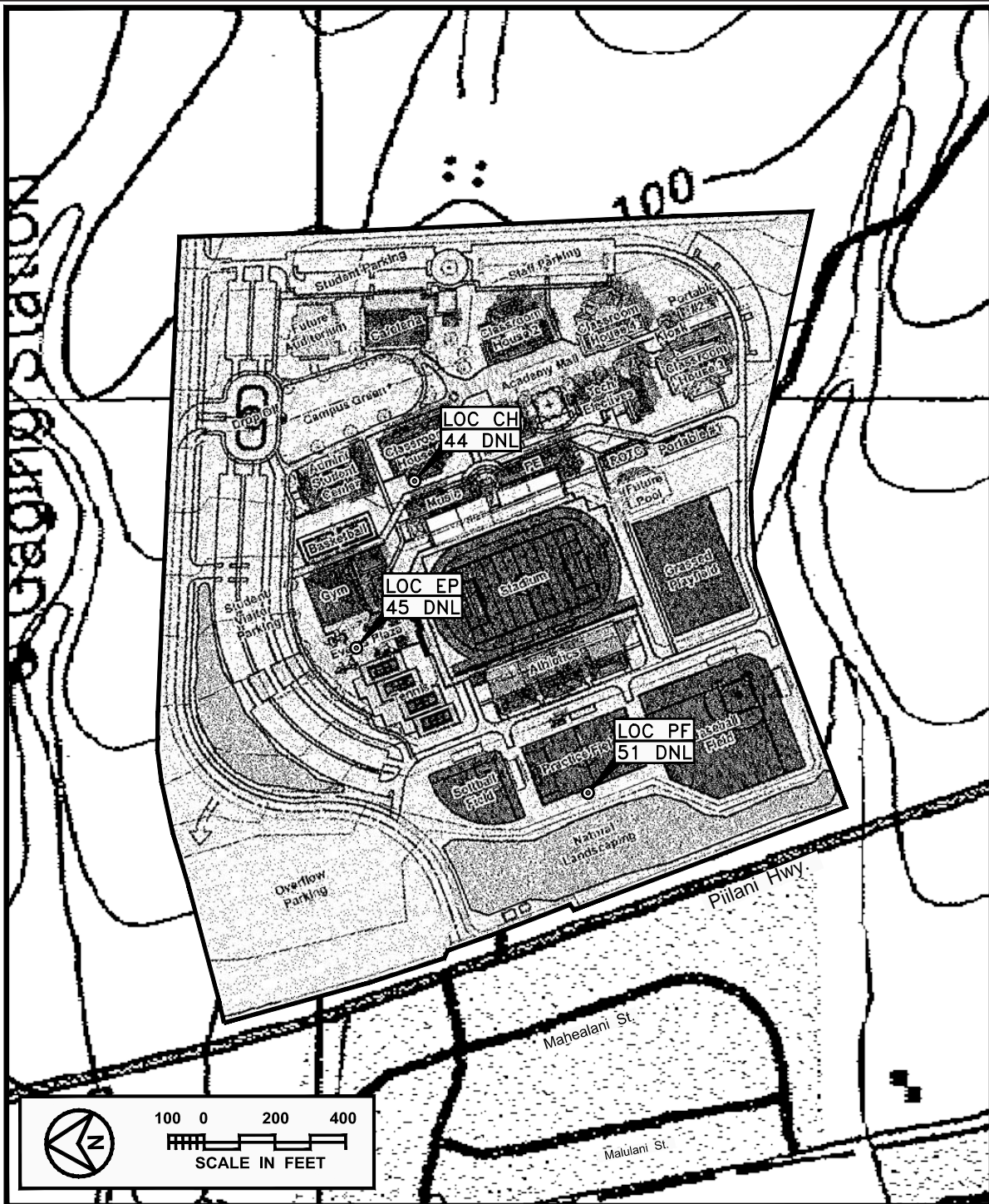
**FIGURE  
5A**

**FIGURE 18**  
Noise Impact Map 5A

Not to Scale

Piilani Promenade  
Source: Y. Ebisu & Associates





**KIHEI HS SITE MAP AND  
FUTURE (CY 2032) TRAFFIC NOISE LEVELS**

**FIGURE  
6A**

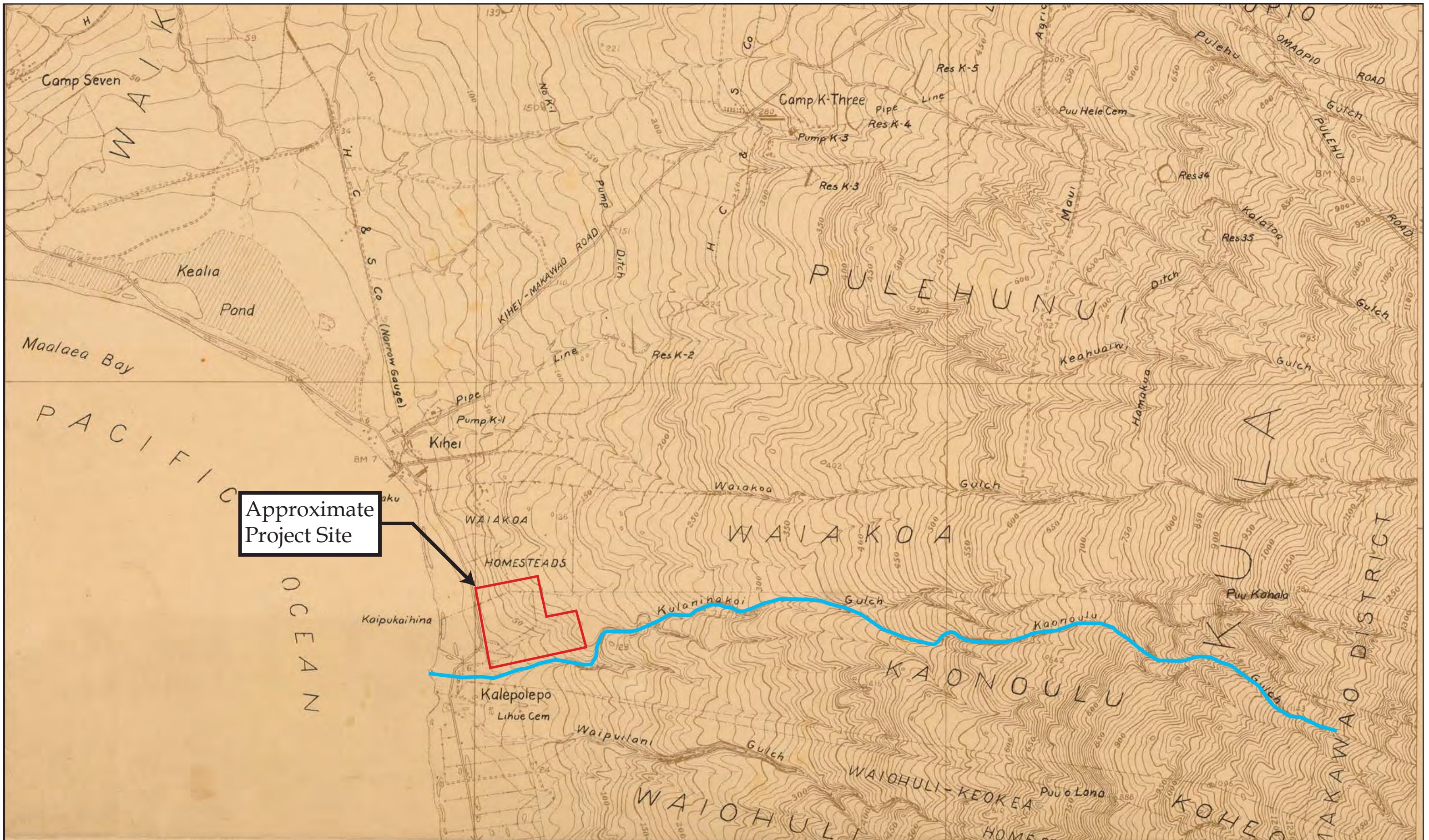
**FIGURE 19**  
Noise Impact Map 6A

Piilani Promenade  
Source: Y. Ebisu & Associates

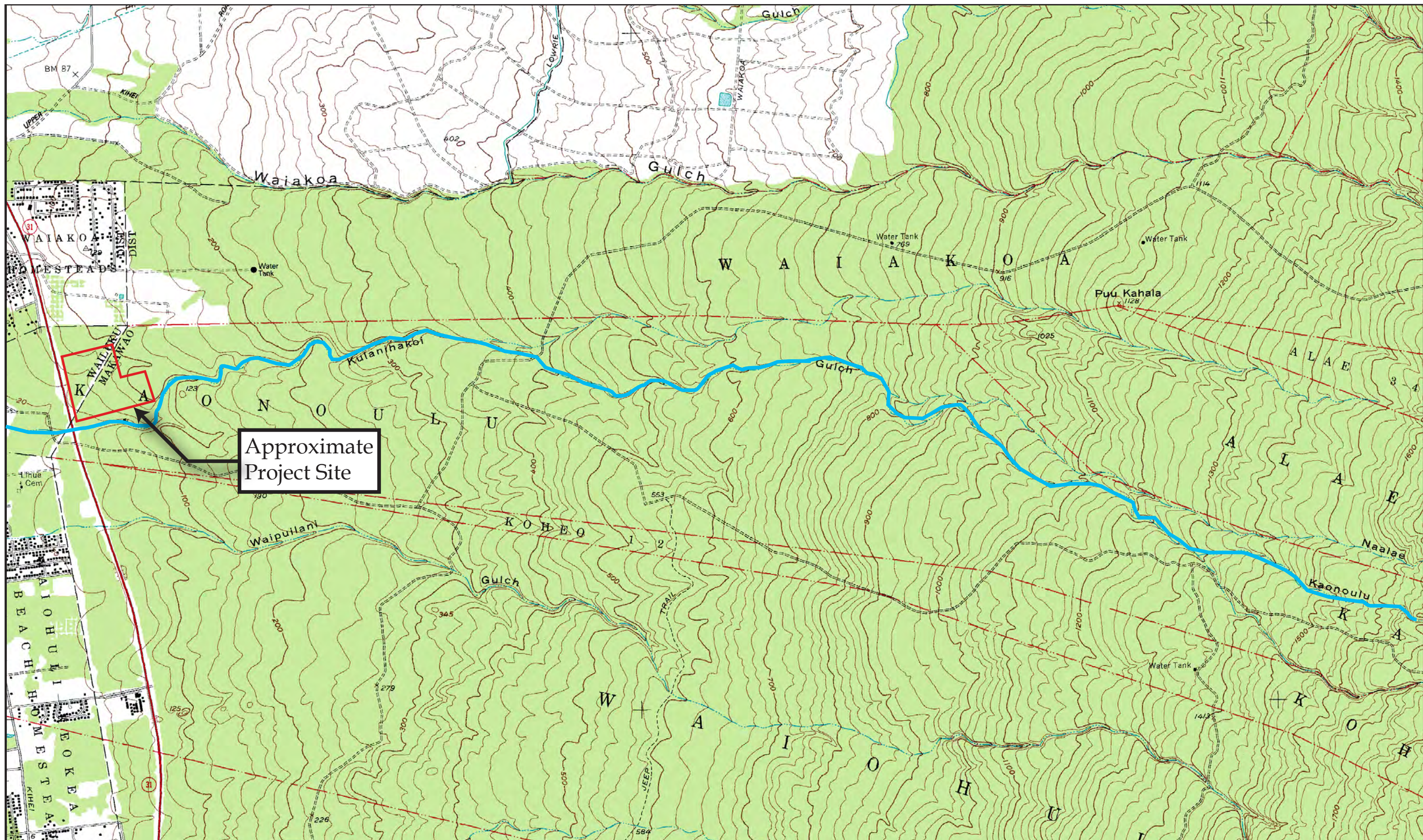
Not to Scale











**FIGURE 21**  North Arrow

USGS Map 1983  
Piilani Promenade

Source: United States Geological Survey (USGS), Dated 1983







Pi'ilani Promenade 2nd attempt

Clare Apana

to:

Riley K Hakoda

10/24/2013 12:29 PM

Hide Details

From: Clare Apana <kouwahine@gmail.com>

To: Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov>,

History: This message has been replied to.

1 Attachment



whale sanctuary, Makila 2-Mobile.m4v

Clare H. Apana

Ao Makole

260 Halenani Dr.

Wailuku, Hi 96793

LAND USE COMMISSION  
STATE OF HAWAII  
2013 OCT 24 P 3:10

To: Hawaii State Land Use Commission

PO Box 2359

Honolulu, Hawai'i 96804-2359

Attention: Daniel Orodener

**RE: Comments on Pi'ilani Promenade EIS Prep Notice TMK (2) 3-9-001: 016; 170-174**

Mr Orodener, LUC staff and LUC Members,

I wish to offer these comments to the LUC staff and members regarding the proposed Pi'ilani Promenade project EISPN from my perspective.

My name is Clare Apana I am a resident of Wailuku, Maui. I am the president of Ao Makole a native Hawaiian Organization. Some of the activities that Ao Makole sponsors and promotes are limu and ocean resources and Hawaiian Star Classes taught by Kumu Michael K. Lee on the island of Maui since 2011. One of our gathering and class sites is the area of the Whale Sanctuary and Kalepolepo lokoi'a. Please see video footage of 11/2/2012.

As a child, I was in Kihei in this area for summer vacation with my family. We often came drove all the way to kihei to go to the beach with my older brother, James. The smells of limu were quite characteristic of these years. My mother gathered and prepared great mountains of limu for food consumption. Limu, pipipis, crabs, fish and sometimes lobsters were gathered for our family to eat. My mother still cleaned and prepared lipoa from Kihei in 2002 when she died.

I saved that last bag of limu making it last as long as I could. At the time I had no idea that the limus and their pungent smells would not be a part of the Kihei beach experience. Development of many residential and commercial projects have greatly changed the ocean resources.

In my studies with Kumu Lee I have learned to identify and pick limu for medicinal as well as food consumption purposes. I have been able to augment my healing practices of Hawaii state certified Physical therapist with the medicinal uses of limu and ocean resources. We have gone specifically to gather certain types of limu at the whale sanctuary/fishpond area. Some of the limu that grow where fresh water flows into the ocean are found here.

I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.

There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean with the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.

I ask that the DES identify ocean resources such as limu beds and animals and fresh water flow that will be affected by this project. A baseline and long term plan to measure the effect of increased toxic runoff and change in flow of fresh water is a mitigation that should be considered. The types of businesses that are allowed in a light industrial area can have changing levels of toxic substances introduced into the ground and air.

We are an island with limited resources that dwindle with the increase of population, number of visitors and the incursion of modern western business. A mega mall and light industrial businesses as well as dense residential units must be scrutinized and measured for all the effects that it will have on my cultural practice at the ocean, my right to gather and use limu for medicine as well the ocean classroom that Ao Makole classes presently utilize. A preceding setting decision can be used to assist this project's EIS and mitigation solutions: Na Pa'akai vs LUC.

Thank you for allowing me to comment on the EIS prep notice for Pi'ilani Promenade.

Video of class and cultural practice Whale sanctuary Nov 2, 2012

Clare H. Apana

260 Halenani Dr

Wailuku, HI 96793



Re: Pi'ilani Promenade 2nd attempt  
Clare Apana to: Riley K Hakoda

10/25/2013 10:28 PM

Thank you Riley. I will redo the movie clips for the file record-I don't know why they are not able to be heard clearly. Clear Apana

On Thu, Oct 24, 2013 at 3:01 PM, Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov> wrote:

aloha e clare,

thank you for your email.....as i mentioned previously, we need your video file in a manner that can be stored (dvd/cd) for the record. you may want to examine the contents of the files that you emailed yesterday and today since the audio is very poor and unintelligible on both of them.

Riley K. Hakoda

Land Use Commission

ph: (808) 587-3824

fax: (808) 587-3827

From: Clare Apana <kouwahine@gmail.com>  
To: Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov>,  
Date: 10/24/2013 12:29 PM  
Subject: Pi'ilani Promenade 2nd attempt

Clare H. Apana

Ao Makole

260 Halenani Dr.

Wailuku, Hi 96793

To: Hawaii State Land Use Commission

LAND USE COMMISSION  
STATE OF HAWAII  
2013 OCT 28 A 8:21

PO Box 2359

Honolulu, Hawai'i 96804-2359

Attention: Daniel Orodenker

RE: Comments on Pi'ilani Promenade EIS Prep Notice TMK (2) 3-9-001: 016;  
170-174

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I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.

There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean which the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.

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Thank you for allowing me to comment on the EIS prep notice for Pi'ilani Promenade.

Video of class and cultural practice Whale sanctuary Nov 2, 2012

Clare H. Apana

260 Halenani Dr

Wailuku, HI 96793



**CHRIS  
HART**  
& PARTNERS, INC.

Landscape Architecture  
City & Regional Planning

June 13, 2017

Ms. Clare H. Apana  
260 Halenani Dr.  
Wailuku, HI 96793

Dear Ms. Apana,

RE: Comments on the Environmental Impact Statement Notice (EISPN)  
for the Piilani Promenade, located in Kihei, Maui, Hawaii at  
TMK's: (2) 3-9-001:016,170-174.

Thank you for your email of October 24, 2013. Your comment letter was not received by the planning consultant during the preparation of the DEIS and will be included in the FEIS. We are pleased to provide the following responses to your comments.

*Comment. My name is Clare Apana I am a resident of Wailuku, Maui. I am the president of Ao Makole a native Hawaiian Organization. Some of the activities that Ao Makole sponsors and promotes are limu and ocean resources and Hawaiian Star Classes taught by Kumu Michael K. Lee on the island of Maui since 2011. One of our gathering and class sites is the area of the Whale Sanctuary and Kalepolepo lokoi'a. Please see video footage of 11/2/2012.*

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*specifically to gather certain types of limu at the whale sanctuary/fishpond area. Some of the limu that grow where fresh water flows into the ocean are found here.*

*I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.*

**Response:** In response to comments regarding drainage and potential flooding, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 –year, 1 –hour storm. The drainage system will be designed in compliance with Chapter 4 “Rules for the Design of Storm Drainage Facilities in the County of Maui” and Chapter 15-11 “Rules for the Design of Storm Water Treatment Best Management Practices.”

*There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean with the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.*

*Ask that the DES identify ocean resources such as limu beds and animals and fresh water flow that will be affected by this project. A baseline and long term plan to measure the effect of increased toxic runoff and change in flow of fresh water is a mitigation that should be considered. The types of businesses that are allowed in a light industrial area can have changing levels of toxic substances introduced into the ground and air.*

**Response:** The drainage master plan was designed to County standards which will mitigate the increase in runoff generated from the development of impervious surfaces. Onsite runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

As mentioned in the FEIS Section III. A. 11 (Groundwater Resources) the Applicant retained Marine Research Consultants, Inc. to prepare a Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities. The purpose of the report was to assess potential impacts to groundwater and the marine environment as a result of the proposed project. In connection with this work, water quality testing was conducted and the underwater biotic composition along the Kihei coastline was analyzed.

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality. (See: Appendix J, “Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities Report”)

In response to comments regarding toxic substances in the ground, the FEIS Section III. A. 4 (Hazardous Substances) has been revised to include the following language.

A Phase I Environmental Site Assessment (ESA) of the Pi'ilani Promenade site was prepared by Malama Environmental, LLC. (MEV) in December 2013 (See: Appendix B, "Environmental Site Assessment"). The investigation and report format follows the guidelines of the American Society of Testing and Materials (ASTM) Publication E1527-05, which is recognized by 40 CFR Part 312 as an acceptable guidance document for satisfying the EPA's final "All Appropriate Inquiries" rule.

The ESA found no evidence of recognized environmental conditions in connection with the property. Additionally MEV does not believe the two (2) potential risk sites would have environmentally and adversely affected the subject property due to their distance from the Pi'ilani Promenade site and the down gradient proximity. However, the Shell Station, which was constructed in 2007 and is located immediately adjacent to the northwestern corner of the project site, is not listed as a UST site. Due to the close proximity and slightly higher elevation of the gas station with respect to the survey area, this facility may pose a negative impact to the environmental condition of the subject property if a leak in the underground storage tanks should occur in the future.

The ESA stated that there was no evidence of historic or current significant misuse of hazardous or regulated substances and or petroleum products on the subject property (See: Appendix B, "Environmental Site Assessment").

The Applicant's planning consultant spoke with the Hazard Evaluation and Emergency Response Office and there we no records of hazardous substances or soil contamination on the Project site. The ESA determined that the Project will not impact soil quality at Project site.

The ~~remaining~~ other potential concerns identified by the ESA such as illegal solid waste dumping are limited in scope and will be mitigated prior to or during project development. No impacts from hazardous substances are anticipated at the site based on the conclusions of the Phase I ESA (See: Appendix B, "Environmental Site Assessment"). There has been no activity on the project site

or change in the land that would impact the ESA since the July 2013 environmental assessment.

Under ASTM standards, a Phase I Environmental Site Assessment may be considered out of date if not conducted within the prior 180 days. As a result the Applicant requested an update of the ESA. A site visit was conducted by MEV on January 13, 2017, and MEV determined that nothing came to their attention that would cause them to change any matter or opinion set forth in the ESA. Accordingly, MEV issued the Environmental Site Assessment update letter. (See: Appendix B-1, "Environmental Site Assessment update letter dated January 18, 2017").

In response to comments regarding toxic substances in the air, the FEIS Section III. A. 6 (Air Quality) has been revised to include the following language.

In the year 2018 with the assumption that the pProject and the adjacent with Honua'ula affordable residential project both are fully developed, the highest worst-case 1-hour concentration was predicted to occur during the weekday morning peak traffic hour at the intersection of Pi'ilani Highway and Kulanihakoi Road and at the intersection of Pi'ilani Highway and Ohukai Street with a value of 1.8 ppm. Compared to the without project scenario, concentrations increased slightly, however all projected worst-case concentrations for this scenario remained well within state and national standards.

For the Year 2018 with the full development of the pProject and the adjacent with Honua'ula affordable residential project, the estimated worst-case 8-hour concentrations were predicted to remain about the same or increase slightly compared to the without project scenario. All predicted concentrations for this scenario remained within the National and State standards.

During worst-case conditions, model results indicated that present 1-hour and 8-hour carbon monoxide concentrations are well within both the state and the national ~~Ambient Air Quality Standards (AAQS)~~.

As part of the preparation of the FEIS, the Applicant retained B. D. Neal & Associates to analyze the years 2025 and 2032 to estimate long range air quality impacts, and to prepare updates to the Air Quality Survey prepared for the DEIS. Air quality studies were conducted on March 11, 2016 and again on February 2,

2017. Based on these studies, and based further on the review of the TIAR update dated December 20, 2016, B. D. Neal & Associates determined that re-analysis of the Project air quality impacts was not necessary, as the conclusions stated in the 2014 Air Quality Survey remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

*We are an island with limited resources that dwindle with the increase of population, number of visitors and the incursion of modern western business. A mega mall and light industrial businesses as well as dense residential units must be scrutinized and measured for all the effects that it will have on my cultural practice at the ocean, my right to gather and use limu for medicine as well the ocean classroom that Ao Makole classes presently utilize. A preceding setting decision can be used to assist this project's EIS and mitigation solutions: Na Pa'akai vs LUC.*

**Response:** The proposed project is subject to conditions related to drainage and water quality as part of the Decision and Order for Docket No. A94-706. Specifically condition 8 states that the "Petitioner shall fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the property, including oil water separators and other filters as appropriate, and other best management practices as necessary to minimize non-point source pollution into Kulanihakoi Gulch, in coordination with appropriate State and County agencies."

Condition 11 states that the "Petitioner shall contribute its pro-rata share to a nearshore water quality monitoring program as determined by the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources."

Additionally, Condition 12 states that "Petitioner shall implement effective soil erosion and dust control methods during construction in compliance with the rules and regulations of the State Department of Health and the County of Maui."

In response to comments regarding cultural resources, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

#### **4. Cultural Resources**

**Existing Conditions.** Hana Pono LLC. prepared a Cultural Impact Assessment (CIA) for the Pi'ilani Promenade to identify historical and current cultural uses of the project area and to assess the impact of the proposed action on the cultural resources, practices, and beliefs. The CIA included the Honua'ula Affordable Housing development parcel in its analysis. The CIA was conducted in accordance with the State of Hawaii Office of Environmental Quality Control (OEQC) guidelines for Assessing Cultural Impact Assessments. In response to consultation



with the community and various government agencies, the Applicant retained Scientific Consultant Services (SCS) to prepare a supplemental CIA (the "SCIA") to include supplemental consultation and additional interviews with people who may have knowledge of the area. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017"). It is noted that the SCIA does not include the Honua'ula Affordable Housing development parcel however SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The project site is located in the Kula Moku and the ~~Waiohuli~~ and Kaonoulu ahupua'a in an area archaeologically known as the "barren zone". Based on a praxis of archaeological studies conducted on the "barren zone" in the region of the Project site, site expectation and site density is low. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017").

The area of Kihei that includes the project site has been severely disturbed from its original and unaltered state for many decades, by the effects of grazing cattle and the construction of ranch roads, county roads and the construction of Pi'ilani Highway. The CIA indicates that any resources or practices occurring traditionally in the area are ~~no~~ non-existent and would have been obliterated. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Interviews with individuals (~~kūpuna-kapuna~~/makua) knowledgeable about the lands of the Kaonoulu ahupua'a were conducted in 2013 and in 2016 by ~~of~~ Hana Pono LLC- as part of the CIA, and by SCS in 2016 as part of the SCIA. As noted SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel that includes interviews with the same individuals as the SCIA. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017"). The oral history interviews were conducted in order to collect information on possible pre-historic and historic cultural resources associated with these lands, as well as traditional cultural practices. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016"; see also Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017" and Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

A public information and cultural consultation meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DFEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing the return of the petroglyph boulder (which removed from the Project site and is preserved under a SHPD-approved preservation plan) and potential impacts to Kulanihakoi Gulch (which is not located on the Project site), some of the participants suggested that the potential archaeological sites could be incorporated into the design of the project or into its landscaping and the previously removed petroglyph stone be returned to the property. The Applicant has discussed the possible return of the petroglyph stone and the former owner (Kaonoulu Ranch) rejected this request given the fact that the relocation and a preservation plan was submitted and approved by SHPD.

As a follow up to the February 25, 2014 meeting, the Project team's archaeologist and cultural consultant participated in a site visit on January 22, 2016. Following the January 22, 2016 site visit, a request was made from the Aha Moku for a further cultural consultation meeting. The meeting was held on April 27, 2016; and a transcript of the April 27, 2016 meeting is available as Appendix A to the Supplemental Cultural Impact Assessment. (See: Appendix I-1 "Supplemental Cultural Impact Assessment dated March 2017"). As part of the SCIA, SCS reached out to 21 persons for consultation, 3 of whom responded and wanted to be interviewed.

#### ***Potential Impacts and Mitigation Measures.***

In general, concerns expressed by the community in these site visits, meetings, and cultural consultations focused on the potential presence of undocumented archaeological sites within the Project site that may be impacted by development of the Project. As documented in Section III.8 of this FEIS, an Archaeological Inventory Survey undertaken and completed by Xamanek Researches in July 1994 identified a total of 20 archaeological sites within the Petition Area. The Archaeological Inventory Survey prepared for the DEIS identified an additional archaeological site on the Project. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015"). In addition, To monitor these sites, an archaeological monitoring plan was prepared and submitted to SHPD for review and approval, and was approved and referenced for all recent work on the site. The monitoring plan may be found in Appendix H and will be updated once

project construction is initiated. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015").

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the potential for traditional cultural practices conducted within the greater ahupua'a to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The CIA reports that the proposed project will have no has no significant effects impact on to cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

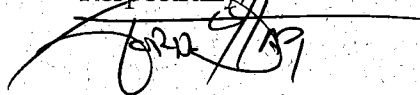
Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights exercised within the Project site, such resources --including traditional and customary native Hawaiian rights--will not be affected or impaired by the Project. Accordingly, there are no feasible actions needed to reasonably protect native Hawaiian rights. See Ka Pa'akai O Ka' Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000).

Thank you for participating in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or e-mail Brett at [bdavis@chpmaui.com](mailto:bdavis@chpmaui.com) should you have any questions.

I sincerely apologize for not providing this reply at the time of the DEIS publication. It was not intentional and was beyond our control.

Respectfully,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a large, sweeping flourish extending from the end of the signature.

Jordan E. Hart, President

CC: Mr. Charles Jencks, Owner Representative  
Mr. Daniel E. Orodener, Executive Director, LUC  
Project File 13-029



## **APPENDIX Q**

### **Soil Investigation Reports**



**FEWELL  
GEOTECHNICAL  
ENGINEERING, LTD.**

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**SUBSURFACE INVESTIGATION REPORT**  
**MASS GRADING FOR LOT 2A**  
**PIILANI PROMENADE NORTH SHOPPING CENTER**  
**KIHEI, MAUI, HAWAII**

for

**PIILANI PROMENADE NORTH, LLC**

by

**FEWELL GEOTECHNICAL ENGINEERING, LTD.**



This report was prepared by  
me or under my supervision.

**By Alan J. Shimamoto, P.E.**

*Alan J. Shimamoto*  
\_\_\_\_\_  
August 15, 2011



# Important Information about Your Geotechnical Engineering Report

*Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.*

*While you cannot eliminate all such risks, you can manage them. The following information is provided to help.*

## Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply the report for any purpose or project except the one originally contemplated.*

## Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

## A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

## Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

## Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

## A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual



subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

### **A Geotechnical Engineering Report Is Subject to Misinterpretation**

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

### **Do Not Redraw the Engineer's Logs**

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

### **Give Contractors a Complete Report and Guidance**

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time to perform additional study.* Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

### **Read Responsibility Provisions Closely**

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that

have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

### **Geoenvironmental Concerns Are Not Covered**

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

### **Obtain Professional Assistance To Deal with Mold**

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; *none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.*

### **Rely on Your ASFE-Member Geotechnical Engineer for Additional Assistance**

Membership in ASFE/THE BEST PEOPLE ON EARTH exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.

## **ASFE THE GEOPROFESSIONAL BUSINESS ASSOCIATION**

8811 Colesville Road/Suite G106, Silver Spring, MD 20910

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### **Appendix C**

Limitations

# **SUBSURFACE INVESTIGATION REPORT**

Mass Grading for Lot 2A  
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

## **INTRODUCTION**

We have completed a subsurface investigation for Lot 2A to assist Piilani Promenade North, LLC with the geotechnical aspects of its mass grading. Lot 2A will be the site of the Piilani Promenade North Shopping Center in Kihei, Maui, Hawaii. This report presents our findings and conclusions. This work was completed in general accordance with our March 3, 2011 Proposal and your authorization to proceed dated April 6, 2011.

Two related shopping center complexes are planned by affiliated developers, Piilani Promenade North, LLC (PPN) and Piilani Promenade South, LLC (PPS), for the parcels designated as Lots 2A, 2C and 2D in Kihei, Maui, Hawaii. Lot 2A will be developed for the proposed Piilani Promenade North Shopping Center, while the adjoining Lots 2C and 2D will be developed to support the Piilani Promenade South Shopping Center.

Lot 2A is separated from Lots 2C and 2D by the future Kaonoulu Street Extension, which together with an additional street extension and an off-site water tank, is part of the off-site infrastructure improvements for the shopping center. The geotechnical aspects of the design and construction of the off-site infrastructure improvements, including the future Kaonoulu Street Extension, have been previously addressed by others and are not part of this investigation.

Both shopping centers will house a number of retail shops of varying sizes, including large national retailers. Although the proposed footprints of the new buildings are shown on the mass grading plans, the tenants have not been finalized at this time. Additionally, national retailers often perform their own geotechnical engineering for their stores.

Due to the uncertainty with regard to the actual tenants and their geotechnical engineering requirements, the scope of the investigations has been limited to addressing the mass grading of the lots in support of the new shopping centers. We understand that additional geotechnical investigations for the actual building construction will be performed as necessary once the users or tenants of the shopping centers have been determined.

## **PURPOSE AND SCOPE**

At the request of both PPN and PPS, subsurface investigations were undertaken by Fewell Geotechnical Engineering, Ltd. (FGE) for the above three parcels to assist PPN and PPS, and



their consultants, with the geotechnical aspects of the mass grading of the parcels to support the shopping centers. Although the field work for both shopping center parcels were performed concurrently, separate subsurface investigation reports have been developed for each site. This report presents the findings and conclusions for the investigation of the parcel designated as Lot 2A, which will support the Piilani Promenade North Shopping Center. A separate report has been issued addressing Lots 2C and 2D for the Piilani Promenade South Shopping Center.

The scope of work for the investigation of the mass grading for the Piilani Promenade North Shopping Center is detailed in the above-referenced proposal and agreement with PPN, but in general, included the exploration of the subsurface of Lot 2A with 11 test borings and 14 test pits. Samples were obtained for laboratory testing. The results of the field exploration and laboratory tests were reviewed in conjunction with the planned mass grading construction to evaluate the ramifications of the general subsurface conditions on the mass grading. The results of our evaluation are presented in this report.

The results of the subsurface exploration, including a Boring Location Plan and the logs of the borings and test pits, are presented in Appendix A. The laboratory test results are included in Appendix B. The limitations of this investigation and report are presented in Appendix C.

## **PROJECT CONSIDERATIONS**

Lots 2A, 2C and 2D are immediately south of Piilani Business Plaza and on the eastern side of Piilani Highway and its intersection with Kaonoulu Street in Kihei. Lot 2A is separated from Lots 2C and 2D by the future Kaonoulu Street Extension and is on the northern side of the future extension. The section of Piilani Highway fronting the lots is aligned in a general north-south direction. The general area of Lot 2A for the Piilani Promenade North Shopping Center is shown on the Project Location Map, Figure 1, in Appendix A.

Lots 2A, 2C and 2D total about 68 acres and are secured with cattle fencing and a locked gate along Piilani Highway. All 3 lots are undeveloped and are covered with scattered shrubs and small trees. Cobbles and small boulders litter the ground surface and occasional shallow swales cut through the lots in the northeast to southwest direction. An existing easement for a 36-inch diameter water line passes through the southeastern corner of Lot 2A and diagonally through Lot 2D in a general northeast to southwest direction. Topography in all 3 lots slopes down gradually toward the southwest at an overall gradient of between about 3 and 5 percent, with localized areas as steep as about 30 percent.

Lot 2A covers about 30 acres and is between the future Kaonoulu Street Extension and Piilani Business Plaza. The lot is trapezoidal in shape and averages about 1,450 feet by 1,400 feet in plan dimensions. The site will include a new substation in its northeastern corner and a 50-foot wide electrical easement just inside its northern property line. The remainder of the site will be developed as part of the shopping center.

Except along portions of its northern property line, the ground surface in Lot 2A generally slopes down gradually toward the south and west. Ground surface elevations vary from approximately Elev. 111 in its northeastern corner, down to about Elev. 50 at its southwestern corner, near the intersection of the Piilani Highway and the future Kaonoulu Street Extension.

Much of the northern property line of Lot 2A abuts the existing Piilani Business Plaza, which is elevated up to about 8 feet above the natural ground surface of Lot 2A. The area appears to have been previously filled, likely from the grading of the existing Piilani Business Plaza. The level area next to the business plaza extends about 50 feet into Lot 2A. The existing slope supporting the fill is visually estimated at an inclination of about 2 Horizontal to 1 Vertical (2H:1V). The exposed slope appears loose and uncompacted, with occasional boulders exposed in the slope.

The preliminary November 19, 2010 Mass Grading Plan for Lot 2A indicates that significant grading will be required to support the new shopping center. In general, the retail stores in Lot 2A are planned mainly in the northeastern half of the site with 2 smaller restaurants at its southwestern corner, overlooking a drainage basin. The remainder of Lot 2A would be developed for shopping center parking.

The area of the retail shops in the northeastern half of the site will be constructed in 2 levels with a grade difference of about 15 feet in height. The northeastern-most section will be graded at about Elev. 95, while the area immediately to the southwest of this upper section will be graded to about Elev. 80. The parking area between the lower level shops and the restaurants in the southwestern corner of the site will be graded such that it gradually slopes down toward the restaurants at a gradient of about 2 percent.

The area of the 2 restaurants in the southwestern corner of Lot 2A will be filled to about Elev. 70. A retention basin will be excavated down to about Elev. 40 in the southwestern corner of Lot 2A, near the intersection of Piilani Highway and the future Kaonoulu Street Extension. The 2 restaurants would overlook the area of the basin in the southwestern direction. A graded 2H:1V

slope, of about 26 feet in total height, would support the grade difference between the level of the restaurants and bottom of the basin.

Due to the sloping terrain and the planned finished grade levels, significant site grading will be necessary for the development of Lot 2A. Cuts of 5 to 26 feet in depth will be necessary to establish the finished grades within the area of the new shops in the northeastern half of the site. Fills of up to 12 feet in thickness are anticipated in the area of the 2 restaurants in the southwestern corner of the site, although fill thickness are significantly less for the remainder of the site. Cut slopes of up to 27 feet in height are planned along the eastern edge of the lot, and up to 18 feet on the northern property line. Combined cuts and fills will result in total slope heights of up to about 25 feet for the basin side slopes.

Graded 2H:1V slopes are currently planned to support the grade differences generated along the perimeter of the lot, and the grade changes within the lot. However, we understand that steeper slopes are being considered to maximize the useable area within the lot.

Building information for the new shopping center structures is not available at this time, except for a typical elevation view of the shopping center and the approximate footprint of the new buildings. The elevation view of the shopping center suggests that the structures will be 1- and 2-story buildings, or 1-story buildings with higher than normal ceilings.

Most of the retail shops of the shopping center will be clustered within 2 rows or sections, one on an upper level and another cluster along a lower level. The structure housing the upper level shops is about 85 feet in width by about 530 feet long. The lower level shops are clustered in a number of groups and wings in a curved strip about 1000 feet long by up to 265 feet wide. The types of structures, and their column and wall loads, are not known at this time, although it is assumed that concrete slab-on-grade ground floors are preferred.

## **SUBSURFACE INVESTIGATION**

A total of 13 test borings were drilled and 9 test pits were excavated during the period of May 4, 2011 through June 3, 2011 at the approximate locations shown on the Boring Location Plan, Figure 2 in Appendix A. Although the scope of our services only included 11 borings, 2 borings, Borings 2A and 9A were added during the field work due to unanticipated conditions found at the site. Boring 2A was drilled adjacent to Boring 2, and Boring 9A was drilled adjacent to Boring 9. In addition, 5 borings drilled for an adjacent project along the northern property line of Lot 2A were reviewed in the evaluation of the site conditions.

The borings were drilled to depths of 10 to 40 feet below the existing ground surface with a Mobile B-53 truck-mounted drilling rig advancing 4-inch diameter continuous flight augers, wash-boring and coring tools. Relatively undisturbed samples of the subsurface soils were obtained at selected depths for laboratory testing. The samplers were advanced with either a 3.0-inch O.D. split-spoon sampler or a 2.0-inch O.D. Standard Penetration Test (SPT) sampler, both driven by a 140-pound hammer falling 30 inches.

The number of blow required to advance the samplers the final 12 inches was recorded and is shown on the Boring Logs, Figures 3 through 15 in Appendix A, together with the materials encountered. The blow counts shown on the logs are the actual blow counts obtained in the field during sampling; the estimated corresponding equivalent SPT blow counts for the 3-inch sampler are shown in parentheses below the actual blow counts.

The test pits were excavated to depths of 2 to 9½ feet below the existing ground surface with a Komatsu track-mounted backhoe provided by PPN. The test pits were terminated once impenetrable intact basalt was encountered. Disturbed bag samples were obtained from the test pits for laboratory testing. The materials found in the test pits are shown on the Test Pit Logs, Figures 16 through 24 in Appendix A.

In addition to the 13 borings for the exploration of Lot 2A, 5 previously drilled FGE borings for a separate project were reviewed in the evaluation of the site. These borings were drilled just within the northern property line of Lot 2A, and their locations are also shown on Figure 2. The materials found in the borings are shown on their Boring Logs, Figures 25 through 29 in Appendix A. A Boring Log Legend is included as Figure 30 for reference.

Where intact basalt was encountered in the test borings, the borings were advanced with an NX or HQ Double Tube Core Barrel with an industrial diamond cutting bit. Core samples of the basalt were recovered from the borings for laboratory testing. The degree of Recovery (REC) and the Rock Quality Designation (RQD) for each core run in the basalt are shown on the boring logs. Photographs of the core samples recovered from the borings are shown as Figures 31 through 42 at the end of Appendix A.

## **LABORATORY TESTING**

Selected samples of the subsurface soils were tested in our laboratory to determine their pertinent general engineering characteristics, including in-situ moisture content, density, shear



strength, consolidation, and swell under their in-situ moisture conditions. In addition to the tests on the soil materials, unconfined compression tests were performed on selected rock core samples to obtain a general indication of the rock strengths and their dry densities.

Three of the bulk samples from the test pits were tested in general accordance with Laboratory California Bearing Ratio (CBR) test ASTM D1883 to determine their pavement support characteristics and swell when compacted as fill. Atterberg Limits and Gradation tests were performed on visually representative soil samples to aid in the classifications of the soils.

The results of the laboratory tests are shown on the boring and test pit logs, where appropriate. The results of the Consolidation, CBR, Gradation and Atterberg Limits tests are graphically exhibited as Figures 43 through 57 in Appendix B. Table I presents a summary of the results of the tests performed on the undisturbed soil samples, while Table II summarizes the results on the samples obtained from the test pits. Table III at the end of Appendix B presents a summary of the unconfined compressive test results on the basalt cores.

#### **GENERAL SUBSURFACE CONDITIONS**

The borings and test pits have revealed that the natural materials beneath Lot 2A for the Piilani Promenade North Shopping Center generally consists of a layer of "soil materials" or "soils" over an initial basalt formation consisting of relatively intact, hard basalt with occasional interbedded layers of cobble- and gravel-sized volcanic rock fragments, generally referred to as Aa Clinker. Portions of the northern property line are underlain by up to 8 feet of previously placed fill.

Except for Borings 1, 5 and 7, the upper basalt formation is generally underlain by a second layer of soil which varies from 3 to 13 feet in thickness. The deeper soils are followed by a second intact basalt formation which extends to the bottom of the deeper borings at depths of 16½ to 40 feet below the existing ground surface. The deeper soils were not found in the areas of Borings 1, 5 and 7 where the basalt formations extend to the bottom of the borings at depths of 10 to 30½ feet below the ground surface.

The surface fills were found along the western end of the northern property line of Lot 2A and are underlain by similar natural materials as the borings within the interior of the site. The natural near-surface soils are generally comprised of residual soils and saprolites (soils weathered in-place from parent rock and exhibiting remnant rock structure).

The combined layering of the near-surface natural soil materials varies significantly in thickness, ranging from as thin as 1 foot to as thick as 8 feet in thickness at the boring and test pit locations.

The upper basalt is generally relatively massive and extends down to depths ranging from 12 to 17½ feet before encountering the deeper residual soils. Table A below presents a summary of the general layering found within the borings and test pits.

**Table A – Subsurface Condition Summary**

Boring/ Test Pit No.	Ground Elev.	Prop. Finish Grade Elev.	Depth in feet to Bottom of:				Elev. At Top of Deeper Basalt
			Surface Residual	Saprolites	Upper Basalt Form.	Deeper Residual	
1	Elev. 51±	Elev. 40±	3'±	6'±	>10'±		Terminated @ 10'
2	Elev. 91±	Elev. 80±	2'±	3'±	15'±	23'±	Elev. 68±
2A	Elev. 91±	Elev. 80±	2'±	3'±	15'±	24'±	Elev. 76±
3	Elev. 89±	Elev. 80±	3½'±	5½'±	12'±	19'±	Elev. 70±
4	Elev. 90±	Elev. 80±	1'±	None	15'±	18'±	Elev. 72±
5	Elev. 90±	Elev. 80±	1'±	3'±	>20'±		Terminated @ 20'
6	Elev. 111±	Elev. 80±	1'±	None	13½'±	18'±	Elev. 93±
7	Elev. 100±	Elev. 80±	<1'±	None	>30½'±		Terminated @ 30½'
8	Elev. 100±	Elev. 80±	1'±	3±	18'±	23'±	Elev. 76½±
9	Elev. 98±	Elev. 80±	2½'±	6'±	17'±	30½±	Elev. 67½±
9A	Elev. 98±	Elev. 80±	2½'±	6'±	18½'±	30'±	Elev. 68±
10	Elev. 98±	Elev. 95±	<1'±	3'±	14½'±	>16½'±	Terminated @ 16½'
11	Elev. 106±	Elev. 95±	1'±	3½'±	13½'±	18½'±	Elev. 87½±
TP1	Elev. 90±	Elev. 84±	3'±	None			Terminated on Basalt @ 3'
TP2	Elev. 72±	Elev. 74±	4'±	None			Terminated on Basalt @ 4'
TP3	Elev. 79±	Elev. 80±	5'±	6'±			Terminated on Basalt @ 6'
TP4	Elev. 60±	Elev. 70±	5½'±	7½'±			Terminated on Basalt @ 7½'
TP5	Elev. 71±	Elev. 74±	2'±	None			Terminated on Basalt @ 2'
TP6	Elev. 90±	Elev. 78±	1½'±	2½'±			Terminated on Basalt @ 2½'
TP7	Elev. 59±	Elev. 70±	1'±	None	>2½'±		Terminated on Basalt @ 2½'
TP8	Elev. 68±	Elev. 74±	3'±	None	>2½'±		Terminated on Basalt @ 2½'
TP9	Elev. 80±	Elev. 81±	>2½'±	5½'±	>9 ½'±		Terminated on Basalt @ 9½'
2 <sup>2</sup>	Elev. 84±	Elev. 81±	3'±(Fill)	6'±	22'±	25½'±	Elev. 58½±
3 <sup>2</sup>	Elev. 98±	Elev. 80±	8'±(Fill)	11½'±	20'±	27'±	Elev. 71±
4 <sup>2</sup>	Elev. 100±	Elev. 97±	1'±	3'±	12½'±	21'±	Elev. 79±
5 <sup>2</sup>	Elev. 106±	Elev. 96±	1'±	None	14½'±	21'±	Elev. 85±
6 <sup>2</sup>	Elev. 106±	Elev. 100±	1'±	None	13½'±	>19½'±	Terminated @ 19½'

Notes: <sup>1</sup> Elevations estimated from Topographic Plan provided by PPN <sup>2</sup> In-house FGE boring for others

In general, the thickness of the near-surface soils appear thinner toward the eastern end of the site and along the higher knolls of the site, and thicker toward the southwestern side of the site

and within the depressed areas of the site. Each of the main types of subsurface materials is described in more detail below.

Surface Residual Soils – The surface layer of residual soils was found in nearly all of the boring and test pit location and its thickness varies from as thin as less than 1 foot, to as thick as 5½ feet below the existing ground surface. Root mats for the above-ground vegetation extend down to depths of 2 to 5 inches below the existing ground surface in the surface residual soils.

In nearly all of the borings, the thickness of the residual soils was found to be less than a foot, notable exceptions being in the areas of Borings 2, 3 and 9, where the thickness of the surface residual soils extends down to depths of 2½ to 3½ feet. The areas of the thinner residual soils generally appear to occur in the northeastern half of Lot 2A, to the northeast of an imaginary diagonal line extending from its southeastern corner down to its northwestern corner. These are the areas of the stores and shops where significant cuts are planned.

The thicker residual soils appear to occur to the southwest of this imaginary lines where many of the test pits were excavated, and where significant fills are planned for the parking lot and 2 restaurants overlooking the retention basin. The residual soils found in the test pits in this section generally extend to depths of 3 feet to 5½ feet below the existing ground surface.

The surface residual soils generally consist of reddish brown, light brown and brown silts and sandy silts with occasional gravel- and cobble-sized rock fragments. They appear to be of volcanic ash origin. The weathered gravel-sized and cobble-sized rock fragments are likely the core stones remaining from Aa Clinker deposited with the volcanic ash.

The residual soils are classified as ML, ML-CL, and ML-MH under the Unified Soil Classification (USC) system, and generally exhibit a hard consistency and relatively high shear strengths. Laboratory tests performed on samples of the residual soils generally showed friction angles of 34 to 37 degrees with cohesion values of 390 to 900 pounds per square foot (psf).

Swell tests on the residual soils showed swells of 0.2 to 1.4 percent under their in-situ moisture contents, and CBR swells of 0.4 to 1.6 percent when compacted near their optimum moisture contents and saturated for a 96-hour period. The CBR tests showed that the residual soils exhibit relatively good pavement support characteristics with CBR's of 26.5 to 43.8 when compacted. The test results suggest that the residual soils generally exhibit low shrink-swell characteristics.

Although the residual soils exhibit relatively good in-situ strength characteristics, they exhibit poor consolidation characteristics. The laboratory tests performed on the residual soils showed that they possess relatively low in-situ densities, low to moderate moisture contents, and moderate but significant consolidation under light to moderate loads. In addition, sudden compression, or "collapse" of 3 to 6 percent occurs with the introduction of water.

These results indicate that although significant loads can be applied to the soils under dry conditions, the soils would consolidate significantly, and suddenly, if water is introduced into the soils, either naturally or through landscaping. We believe that this is likely due to the dissolution of the vestiges of the original structure of the residual soils by the water.

Saprolites – Saprolites consist of residual soils with remnant rock structure. Although they consist of gray/brown and gray low plasticity silts, sandy silts, and clays, they still exhibit the appearance of the rock from which they originated. Sections and seams of highly weathered basalt and some core stones, which are likely weathered clinker, are also included within the saprolite layers. The saprolites are classified as ML and CL under the USC.

The saprolites extend down to depths ranging from as shallow as 3 feet to as deep as 8 feet below the existing ground surface in the boring and test pits within the main part of Lot 2A. A 3-foot thick layer of saprolite extends down to a depth of 11 feet in one of FGE's previous borings along the northern property line due to 8 feet of fill placed over the original ground in this area. Variations in the thickness of the saprolite appear to occur randomly throughout the site.

The saprolites exhibit relatively high penetration resistances to the sampling (high blow counts) and a hard to very hard consistency. Although they exhibit low to moderate densities, they possess high shear strengths. Shear tests performed on samples of saprolites from this investigation and the investigation of the adjacent Lots 2C and 2D showed friction angles of 28 to 45 degrees and cohesion of 335 to 1,000 psf. Swells of 0.2 to 0.8 percent were obtained for the saprolites under their in-situ moisture contents, indicating low shrink-swell characteristics.

No sudden compression was observed during consolidation tests for the saprolite samples. The consolidation tests for the saprolites suggest that they possess relatively high preconsolidation pressures of 6,800 psf or more, a virgin compression index of 15 percent, and a compression index during reloading of less than 1 percent. The tests suggest that relatively minor compression or consolidation of the saprolites should occur under light to moderate loads.

Upper Basalt Formation - The upper basalt formations generally consist of gray, brown/gray and gray/blue intact basalt with occasional interbedded layers of unbonded cobble- and gravel-sized rock fragments, or Aa Clinker. In general the upper basalts are a fine-grained rock with few vesicles or vugs. The Aa Clinker materials interbedded between the layers of intact basalt consist of relatively thin seams of gravel-sized rock fragments, which possess little or no bonding, but are dense to very dense. No voids or cavities were encountered in the upper basalt, although small voids of 6 to 12 inches in vertical dimension, were found within the basalt formation in 3 of the borings drilled in the adjacent Lots 2C and 2D.

The upper intact basalt is mostly slightly weathered with occasional seams of moderately weathered basalt and some fresh basalt. The intact basalt is hard to very hard, and massive in many areas. Laboratory unconfined compression tests on the samples of the basalt cores of the upper basalts show dry densities of 154 to 166 pounds per cubic foot (pcf) and unconfined compressive strengths of 7,025 to 22,315 pounds per square inch. Most of the cores of the upper basalt showed strengths in the range of 11,000 to 15,000 psi.

Deeper Residual Soils – A second layer of residual soils was found below the upper basalt formation in Borings 2, 3, 4, 6, 8, 9, 10, and 11 and in the previous FGE Borings 2 through 6 which were drilled just inside the northern property line of Lot 2A. The deeper residual soils were not found in Borings 1, 5 and 7, where a second deeper basalt formation was found immediately below the upper basalt formation.

Where encountered, the deeper residual soils were found below the upper basalt formation at depths ranging from 12 feet to 22 feet below the existing ground surface, which corresponds to between about Elev. 62 and Elev. 99. In general, the level of the top of the deeper residual soils appears to be between Elev. 75 and Elev. 81 in the main area of the shopping center buildings, but is as shallow as Elev. 91 to 99 along the eastern edge of Lot 2A and its northeastern corner, and as deep as Elev. 62 in the northwestern corner of the lot.

The thickness of the deeper residual soil layer varies from as thin as 3 feet to as thick as 14 feet, extending to depths of 18 to 31 feet below the existing ground surface. These depths correspond to between about Elev. 58 and Elev. 92. For the majority of the main building areas within the northeastern half of the site, the deeper residual soils extend to between Elev. 67 and Elev. 79.

The deeper residual soils generally consist of a reddish brown and red silt and clayey silt which are classified as ML and MH under the USC and a reddish brown silty sand which is classified as an SM soil. They appear to be of volcanic ash origin and include occasional seams of weathered

sand- and gravel-sized volcanic rock fragments which are likely remnant core stones of Aa Clinker deposited with the volcanic ash.

The deeper residual soils possess moderate to high moisture contents and many samples exhibit low densities of 42 to 55 pcf, which are characteristic of volcanic ash deposits. However, they exhibit high penetration resistance during sampling and hard to very hard consistencies. Direct shear tests on samples of the deeper residual silts show relatively high strengths with friction angles of 35 to 41 degrees and cohesion of 600 to 900 psf.

Consolidation tests on the deeper residual silts show relatively low compression indices of 6 to 9 percent with pre-consolidation pressures in the range of 4,500 to 5,500 psf, or about 2,500 to 3,000 psf above their existing overburden pressure. The tests suggest that these soils should not consolidate significantly under light to moderate loads.

Second Basalt Formation – A second, deeper basalt formation was found below the deeper residual soils at depths of 18 to 31 feet below the existing ground surface, or between about Elev. 58 and Elev. 92 at the boring locations. The deeper basalt formation extends to the bottom of the deeper test borings at depths of up to 40 feet below the existing ground surface.

The second basalt formation generally consists of gray and gray/brown vesicular intact basalt with interbedded thin layers of dense Aa Clinker, or gravel-sized rock fragments. The intact basalt appears "porous," or vesicular, and exhibits numerous vesicles and vugs. It is generally broken to very broken and exhibits moderate strengths. A 12-inch thick void was encountered within the deeper basalt in one of the test borings at a depth of 29 feet below the existing ground surface. Unconfined compressive strength test performed on cores of the second basalt layer showed dry densities of 140 to 149 pcf and unconfined compressive strengths of 5,690 to 6,195 psi.

Groundwater – Groundwater or subsurface seepage was not observed in any of the borings or test pits of this investigation, even after a period of at least 24 hours had elapsed after the completion of the borings. It should be realized, however, that fluctuations in the level of groundwater may occur due to variations in natural subsurface seepage, rainfall, and other factors not present at the time the measurements were made.

## DISCUSSION AND CONCLUSIONS

The subsurface investigation has revealed that except for the surface layer of residual soils, Lot 2A is generally underlain by relatively competent saprolites, deeper residual soils and basalt formations. These materials should provide adequate support for the planned mass grading of the Piilani Promenade North Shopping Center, provided the recommendations of this report are followed. Groundwater or seepage was not observed in any of the borings or test pits of this investigation and is not anticipated to have a major impact on the planned construction.

The most significant geotechnical concerns with regard to the mass grading of the site are the compressibility of the surface layer of residual soils, or volcanic ash, and the hard intact basalt found at depths as shallow as 1 foot below the existing ground surface. The deeper residual soils should provide adequate support for the mass grading but will likely require some special considerations in the design and construction of the buildings bearing partially on the intact basalt and partially on the deeper residual soils. This consideration may require further evaluation of the building layout in view of the subsurface conditions found during this investigation.

The near-surface residual soils appear to be a derivative of volcanic ash and exhibit properties which are not uncommon for volcanic ash in Hawaii. These characteristics can result in long-term, post-grading concerns which would be dependent on if, and when, the soils become wet, which is not predictable. Although double-handling of the materials would add costs to the mass grading, we believe that it would be prudent to remove at least some of the residual soils from the parking areas, and all of the residual soils from the building areas, and compact them prior to additional construction or fill placement over these soils.

Our analysis indicates that unpredictable settlements of up to 1 inch can occur under the weight of the new fill over a 2½- to 3-foot thickness of the residual volcanic ash soils in their current condition, if water is introduced into these soils either through natural or man-made causes. Although 1 inch of settlement should not significantly affect the parking areas over the fills, it would be significant for the new buildings constructed on the fill, particularly since the settlements cannot be accurately predicted and may be abrupt differential movements depending on where and when water is introduced to these soils.

Based on the planned mass grading indicated in the preliminary grading plans, most of the northeastern half of the site will be excavated well into the underlying upper basalt formations, while the southwestern half of the site will be filled. Most of the site excavations are in the part of



the site northeast of an imaginary diagonal line from the southeastern corner of the site down to its northwestern corner, with the fills to the southwest of the diagonal line.

The proposed site excavations will likely remove most of the surface residual soils from the main building areas on the northeastern side of the site, such that they do not impact the future buildings. However, they would likely underlay the fills areas on the southwestern side of the site where the thickness of the residual soils generally extend down to depths of 3½ to 5½ feet below the existing ground surface.

We believe that it would be prudent to remove the surface layer of the residual soils in their entirety where they underlay the proposed building areas plus a 10-foot perimeter. Provided no future buildings are planned in the parking areas, the removal of the residual soils may be terminated at a maximum depth of 3 feet below the existing ground surface. Should buildings be later proposed in the parking areas in the future, it should be realized that the then-planned buildings would have to be investigated and designed to accommodate the characteristics of the residual soils left beneath the fills in these areas.

The removal of the surface residual soils should extend throughout the areas of the buildings, plus a 10-foot perimeter and their supportive fill embankments. It should extend down to the saprolite below the residual soils. Most of the residual soil, if not all, will likely be removed in the cut areas due to the site excavations. Any remaining residual soils at the finished grade levels should be similarly removed and replaced with compacted fills. Beneath the fills placed for the parking areas, we believe that the removal of the surface residual soils may be terminated at a maximum depth of 3 feet below the existing ground surface.

The actual depth of the removal of the surface residual soils must be determined in the field during the construction. The boring and test pit information in the proposed fill areas suggest that depths of 1 to 5½ feet should be anticipated, with most of the removal likely extending down to an average depth of about 3 feet.

The excavated surface residual soils can be re-used as fill provided they are placed, moisture-conditioned, and compacted in accordance with the recommendations of this report. Once the residual soils have been removed and replaced with properly compacted engineered fill, the remainder of the construction can proceed using relatively typical construction methods and techniques.

The borings indicate that some of the areas to be excavated are generally underlain by as little as 1 foot of soil cover over intact massive basalt, with the soil extending down to depths of 1 to 3 feet from the ground surface at most of the boring locations. This is especially true in the northeastern half of the site where most of the site excavations will occur.

The saprolites found above the intact basalt formations were easily penetrated with augers and we believe that they can be excavated with heavy earth-excavating equipment, but the upper basalt formation is hard to very hard and massive in some areas. Excavation of the intact basalt will require the use of heavy rock-excavating equipment such as single-ripper D-9, or larger, dozers and hoe-rams. Blasting will facilitate and expedite the site excavations provided it can be safely performed in accordance with the governmental regulations for blasting.

The intact basalt should be relatively stable even with steep cut slopes, but significant consideration must be given to the interbedded layers of Aa clinker consisting of the gravel- and cobble-sized rock fragments, and in the building areas, the deeper residual soils which will form the lower portions of the cut slopes. The intact basalt should be able to stand satisfactorily at near-vertical slopes, but the Aa clinker layers and deeper residual soils will tend to ravel over time and approach a more stable slope of between about 1H:1V and 1½H:1V.

We believe that the intact basalt can be cut at slopes as steep as ½H:1V, and up to 15 feet high without benches, provided any encountered clinker layers, or other defects in the basalt, are stabilized by grouting and guniting such that future raveling and sloughing of the clinker materials is prevented. In addition, a drop zone of at least 8 feet in width, and sloped back toward the toe of the cut slope, should be provided at the base of the slope to minimize the lateral movement of any rocks falling from the steep slope.

Flatter slopes are necessary should the cut slopes include the deeper residual soils, which is anticipated for many of the cuts for the 15-foot grade difference in the main building areas on the northeastern half of the site. Where this occurs, the overall cut slopes in the basalt formation, clinker and deeper residuals soils should be cut at a flatter slope of no steeper than 1H:1V for vertical heights of up to 15 feet without benches to accommodate the weaker clinker layers and residual soils. In addition the clinker seams and residual soils should be gunited to protect them from future raveling and subsequent undermining of the intact basalt above these layers.

Cut slopes in the existing fills, surface residual soils and saprolites, should be cut at slopes of 2H:1V or flatter for heights of up to 15 feet without benches. For the above slopes, an 8-foot wide bench should be provided at their approximate mid-heights where the slopes exceed 15 feet.

Slopes steeper than 1½H:1V are relatively steep and can be dangerous. A fence should be constructed at the top of the slopes steeper than 1½H:1V as a safety precaution to prevent access to the top of the steeper slopes.

Excavations into the basalt will likely result in boulder- and cobble-sized rock fragments which would require significant crushing and processing for use as a typical granular fill material. An on-site crusher would have to be used to process the large basalt fragments generated from the site excavations. Although the boulders and cobbles can be used without significant processing as a coarse rock fill (also referred to as a boulder fill), some limitations must be considered. These limitations generally favor the use of a more typical crushed rock fill rather than coarse rock fills for this project.

Future excavations into the coarse rock or boulder fill, will be significantly costly and potentially not feasible without jeopardizing the integrity of the boulder fill. Such excavations typically disturb not only the boulders being excavated, but also the adjacent boulders which are to remain in place. Attempts to stabilize the adjacent boulder fills typically result in nearly complete removal and reconstruction of the fill due to the inability to contain the disturbed fill areas. Injection grouting of the adjacent boulder fill areas with a low-strength material such as CLSM would likely be necessary for excavations into the boulder fills. Hence, coarse rock fills, or boulder fills, should be considered permanent fills which will not be disturbed in any way in the future.

Additionally, subsurface investigations for building foundations would be severely limited by a boulder fill, and obtaining adequate information for the geotechnical aspects of the foundation design would be difficult, if not impossible, within the fills. Hence, depending on the designer's familiarity with boulder fills, the foundation designs for the buildings can be significantly impacted by the presence of the rock fills beneath the structures. This is normally not a concern if the same geotechnical engineer is retained throughout the project, but can be significant for this project since it is anticipated that the larger retailers will probably want to undertake their own foundation investigations for the design and construction of their buildings.

If coarse rock fills or boulder fills are used on this project we recommend that they be constructed in the parking areas at least 10 feet away from the future building areas and existing or future slopes, at least 5 feet below the future finished subgrades, and in areas where future utilities and site excavations are not planned. The above limitations severely limit the use of a boulder fill on this project since except for the building area in the southwestern corner of the site, most of the site grading will result in fill thicknesses of no more than about 6 feet.

It is anticipated that the use of a portable on-site rock crusher would be more cost-effective to generate the vast majority of the fill materials from the basalt formations, rather than using a boulder fill. The crusher should be capable of crushing the basalt, which exhibited unconfined compressive strengths of up to 22,000 psi, to materials to a maximum size of 6 inches in dimension, typically referred to as minus 6-inch materials, which will likely be simpler and more expedient in grading the site.

Fill slopes constructed of the minus 6-inch crushed rock materials, or fill materials comprised of the surface residual soils and saprolites, may be inclined at slopes of 2H:1V for heights of up to 15 feet without benches. Where the fills slopes have been constructed entirely of the minus 6-inch crushed rock fill, they may be sloped as steep as 1½H:1V for vertical heights of up to 15 feet without benches. Slopes exceeding this height should be provided with an 8-foot wide bench at their approximate mid-heights or at vertical intervals of no more than 15 feet.

Our analyses indicates that the above-recommended slope inclinations and heights should provide an acceptable factor of safety of at least 1.5 against slope failure under static conditions and a safety factor of at least 1.1 under the seismic conditions recommended under the 2006 International Building Code (IBC) for this area of Maui. These are the typically accepted minimum factors of safety for this type of geotechnical stability evaluation.

The remainder of this report presents recommendations addressing the mass grading of the site, but does not include recommendations for the design and construction of the buildings and their foundations. Separate foundation investigations, with additional borings and/or test pits should be undertaken by the future retailers or builders for the buildings of the shopping center to specifically address the new shopping center buildings.

Additional subsurface information should be obtained for the transition of the shopping center between the upper and lower levels in the northeastern half of the site where the deeper residual soils were found between the upper and lower basalt formation. Although these layers would individually provide competent bearing for moderate column loads anticipated for the new structures, they possess significantly different compressibility characteristics.

Based on the currently planned mass grading and building layout, it is anticipated the 15-foot grade differential in the transition between the upper- and lower-level buildings of the shopping center will result in the buildings bearing partially on the upper basalt formation, partially on the deeper residual soils, and partly on the lower basalt formation. Negligible settlements, if any, are

anticipated for foundations bearing on the intact basalt layers, while some minor settlements will likely occur to the same type of foundations bearing on residual soils.

Although minor, these settlements would manifest themselves as abrupt differential settlements between the foundations bearing on the different materials: 1) between the upper-level foundations on intact basalt and the adjacent lower-level foundations the deeper residual soils, and 2) between the lower-level foundations bearing on the residual soil and the adjacent lower-level foundations bearing on the lower basalt formation.

The abrupt differential movements can have an adverse impact on the structures unless they are designed to accommodate the movements, either structurally or through the grading for the building construction. Such limitations may warrant a review of the building layout to avoid or reduce the potential for this situation.

For preliminary planning and cost-estimating purposes, we believe that the natural saprolites and the fills processed, placed and compacted in accordance with the recommendations of this report should be capable of providing allowable bearing capacities of between 3,000 and 4,000 pounds per square foot (psf). The foundations should be embedded at least 12 to 18 inches below the lowest compacted subgrade adjacent to the footings, and set-back at least 7 feet from the top of the graded slopes. Increased embedment would be necessary for foundations bearing on a slope, or within 7 feet of the compacted slope face.

Where foundations are embedded at least 6 inches into intact basalt, the allowable bearing capacity can likely be increased to at least 5,000 psf and probably much higher. Voids, cavities, loose clinker seams or other defects in the intact basalt should be cleaned out and filled with concrete. Spread footings should bear entirely on similar materials, i.e. either completely on intact basalt, on saprolites and/or deeper residual soil, or completely on compacted fill.

Due to the possibility of clinker layers and the occasional presence of voids, the drilling of foundations probes may be warranted, depending on the findings of the investigations for the buildings. Foundation probes in the rock are typically drilled at each spread footing and at about 10-foot intervals along the lengths of the continuous footings.

The above comments and preliminary geotechnical guidelines for the building construction are given for preliminary planning purposes. Each of the buildings should be evaluated in more detail once their detailed design has been finalized and additional subsurface investigations have been completed for the buildings.

## **RECOMMENDATIONS**

### **General**

1. We believe that Lot 2A can be adequately developed to satisfactorily support the mass grading for the Piilani Promenade North Shopping Center, provided the recommendations of this report are followed. The presence of the surface layer of volcanic ash residual soils with poor supportive characteristics and the relatively shallow depth to intact basalt present some concerns to be addressed, which will likely result in higher costs than those incurred on sites with more favorable conditions.
2. The most significant geotechnical concerns with the development of the site to support the planned mass grading is the moderate, but sudden, compression which can occur with the near-surface residual soils, and the shallow depth to hard intact basalt. We believe however, that these concerns can be reduced by the removal and replacement of the near-surface residual soils within the building areas with compacted fill, and anticipating the use of heavy rock-excavating equipment and blasting in excavating the intact basalt.
3. Groundwater or seepage was not found in any of the borings or test pits during this investigation and is not anticipated to be a major factor in the planned mass grading.

### **Site Preparation**

4. Prior to the start of actual site grading, the site should be cleared and grubbed in accordance with Section 201 of the Standard Specifications for Road, Bridge and Public Works Construction of the County of Maui (Standard Specifications).
  - a. The clearing and grubbing operations should extend throughout the area of the planned construction and at least 5 feet beyond the toes of the planned fill slopes and other new construction.
  - b. The actual depth of the clearing and grubbing should be determined in the field during construction, but based on our observations of the borings and test pits, it is likely that 2 to 4 inches will suffice.
  - c. All vegetation, trash, rubble, and other deleterious materials should be removed and wasted off-site.
5. Existing utilities or similar items which interfere with the planned construction, should be removed and re-routed. The depressions or trenches resulting from their removal should be backfilled in accordance with the Grading and Utility recommendations of this report.

## **Grading**

6. Once the site has been cleared and grubbed, mass grading can commence to generate the designed grades. The graded, level pads for the shopping center buildings and structures should extend at least 7 feet beyond the exterior edge of the new structures, their foundations and their related attachments. Deeper than normal foundation embedment will be required for the future buildings where this criteria cannot be met.
7. Excavations for the site grading should provide a relatively level area such that protruding high-points in the underlying basalt are minimized for the future shopping center buildings and their slabs. The removal of the basalt in the cut areas should extend at least 6 inches below the bottom of the concrete slabs to allow for the installation of their slab cushions or base materials.
8. The use of heavy rock excavating equipment, such as single-ripper D-9 dozers, or larger, and hoe-rams should be anticipated for the site excavations into the basalt formations and for the construction of any below-grade structures penetrating the basalt. Blasting will facilitate and expedite the removal of the basalt provided it can be performed safely in accordance with applicable governmental regulations for blasting in this area.
9. The surface layer of volcanic ash residual soils should be removed throughout the areas of the new construction and stockpiled for future use as fill.
  - a. Within the area of the future buildings, plus a 10-foot perimeter, the removal of the volcanic ash residual soils should extend down to the underlying layers of hard saprolites or the intact basalt formation. The actual depth of their removal must be determined in the field during the construction, but based on the boring and test pit operation, it is anticipated that it will average about 3 feet.
  - b. In the parking lot areas, where future buildings are not planned, the depth of the removal of the surface volcanic ash residual soils may be terminated at a maximum depth of 3 feet below the existing ground surface.
  - c. Where the then exposed ground surface slopes down in excess of 5H:1V, it should be benched with a series of horizontal terraces prior to fill placement. The benches should extend through any loose slope materials into hard natural ground.
10. The then exposed subgrade should be proof-rolled to detect any remaining soft spots or loose zones prior to fill placement or additional construction. The proof-rolling should consist of at least 5 passes of a heavy compactor such as a Cat 825, or its equivalent, weighing at least 40,000 pounds.



11. Areas to receive fill or new construction should be scarified for a depth of 8 inches, moisture-conditioned to within 3 percent of its optimum moisture content, and uniformly compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Where the ground is within 2 feet of the bottom of future pavement sections, it should be compacted to at least 95 percent relative compaction.

12. The excavated on-site soil materials, consisting of the residual soils and saprolites may be used for fill for the mass grading and to backfill the over-excavated areas resulting from the removal of the surface residual soils. Little or no processing is anticipated for these materials for their use as fill.

13. Excavated rock materials should be segregated from the soils, and crushed and processed to generate a granular crushed rock material.

- a. The excavated rock should be crushed to generate a well-graded material with a maximum dimension of no larger than 6 inches (minus 6-inch crushed rock) with no more than 15 percent passing the No. 200 US Sieve.
- b. The use of an on-site crusher should be anticipated to crush and process the basalt to generate the above-recommended fill materials.

14. Fill materials, whether imported or generated on-site, should be free of organics, rubbish, debris, soil clods, and other deleterious materials. Additionally, imported materials should be a low-expansion soil, which is as good as, or similar to, the on-site materials.

- a. Imported fill should have a maximum size of no more than 3 inches, no more than 15 percent passing the No. 200 US Sieve and exhibit a Plasticity Index of no more than 15.
- b. When tested in accordance with Laboratory CBR Test ASTM D1883, imported fill should exhibit a CBR of at least 15 and no more than 1 percent CBR swell.

15. Fill and backfill should be placed in relatively uniform lifts of no more than 8 inches in loose thickness, moisture-conditioned to within 3 percent of their optimum moisture content and uniformly compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Fill placed within 2 feet of the bottom of pavements should be compacted to at least 95 percent relative compaction.

16. Field density testing of the minus 6-inch crushed rock fill is not practical due to the oversized materials comprising the fill. The fill should be compacted to a tight, unyielding layer, and should be continuously observed during the construction to determine whether it appears adequately compacted.

17. Where the on-site soils (consisting of the residual soils and saprolites) are used at the top of the graded building pads, they should be kept moist as much as is practical during the intervening period between the grading of the pad and the construction of the concrete slabs for the buildings. This is to avoid excessive drying and shrinking which can result in future expansion after the construction of the buildings. Should shrinkage cracks in excess of 1/8 inch in width occur, the upper 8 inches of the pads should be scarified and recompactd as indicated above prior to the construction of the concrete slabs-on-grades for the buildings.

18. Cut slopes in the residual soils, saprolites and existing compacted fills should be cut at no steeper than 2H:1V for heights of up to a maximum of 15 feet without benches. Cut slopes in the basalt formation below the soil materials can be cut relatively steeply but should include fences or other safety considerations at the top of the slope to prevent falling off the top of the slopes.

- a. Cut slopes in the basalt formation which will expose the deeper residual soils at the base of the formation should be excavated at no steeper than 1H:1V for vertical heights of up to 15 feet without benches, and the deeper residual soils, clinker, or defects in the rock should be grouted to reduce the potential for future raveling, and subsequent undermining of the rock above.
- b. Slopes cut into the intact basalt formation which will not expose the deeper residual soils may be sloped as steep as 1/2H:1V for heights of up to 15 feet without benches, provided any clinker layers and defects found in the rock are grouted and gunited to prevent future raveling and sloughing of the clinker materials.
  - i. Loose rocks, boulders or cobbles on the slope should be removed, and a drop zone, at least 8 feet in width, should be provided at the toe of the slope to reduce the potential of future loosened rocks traveling horizontally away from the slope. The drop zone should be sloped toward the cut slopes.
  - ii. Maintenance should be provided periodically to observe the condition of the slope and to remove rocks and boulders which accumulate within the drop zone.
- c. An 8-foot wide bench should be provided at the approximate mid-height of the slopes where the cut slopes exceed 15 feet, or at about 15 foot intervals up to a maximum height of 30 feet.

19. Fill slopes using the above recommended minus 6-inch well-graded crushed rock fills or the on-site soil materials consisting of residual soils and/or saprolites should be constructed such that the toes of the fill slopes are set-back at least 8 feet from the top of any steep slopes at the site.

- a. Fill slopes comprised of any, or all, of the above materials may be constructed as steep as 2H:1V for vertical heights of up to 20 feet without benches.
- b. Fills slopes constructed entirely of the minus 6-inch well-graded crushed rock fill materials may be constructed as steep as 1½H:1V for vertical heights of up to 15 feet without benches.
- c. Where the fills slopes exceed 20 feet for the 2H:1V slopes, or 15 feet for the 1½H:1V slopes, 8-foot wide benches should be provided at their approximate mid-heights, or at intervals not exceeding 20 feet and 15 feet, respectively, for vertical total heights of up to 20 feet. Fill slopes exceeding this height are not anticipated on this project and should be individually evaluated where they occur.
- d. The fill slopes should be over-constructed during the rough grading and subsequently cut back to their desired lines and grades such that the finished slope face is a tight, well-compacted surface.

20. For slopes consisting partially of fill and partially of cut slopes, an 8-foot wide bench should be provided at the approximate mid-height of the total slope, but at intervals of no more than 15 feet up to a height of approximately 30 feet.

21. Where multiple slope inclinations are planned due to the characteristics of the different materials (i.e. 2H:1V in soil cuts over 1H:1V in rock cuts), 8-foot wide benches should be provided at the approximate mid-height of the overall slope and at no more than 15-foot vertical increments up to a height of 30 feet.

22. Slopes exceeding the above-referenced maximum total heights are not anticipated on this project and should be individually evaluated by FGE should they occur.

23. Drainage provisions should be included in the design of the mass grading to direct water away from the slopes and to preclude the ponding of water adjacent to or beneath the slopes.

24. The soil cut slopes and the fill slopes should exhibit adequate overall stability but are susceptible to raveling and rilling due to erosion. The slopes should be protected from erosion by

planting, seeding or mulching as soon as practical after they are graded to minimize the potential for these occurrences.

### **Utilities & Site Improvements**

25. Utilities and site improvements should be installed and backfilled in accordance with Section 206 of the Standard Specifications and the Grading recommendations of this report using the appropriate mechanical compactors above and around the pipes. Jetting, flooding, or ponding techniques should not be allowed as a method of compacting the backfill.

26. Hard intact basalt should be anticipated as shallow as 1 foot below the existing ground surface. The use of heavy rock excavating equipment such as hoe-rams should be anticipated for the utility trench excavations and other site excavations into the basalt.

27. Where rock is found at the invert of the utilities at the bottom of the trench, at least 6 inches of pipe cushion or bed course should be placed over the rock to minimize the potential for point loads on the pipes. The actual thickness of the cushion or bed course should be in accordance with the applicable sections of the Standard Specifications for each type of utility, but should not be less than 6 inches.

28. The well-graded minus 6-inch crushed rock fills will have little or no binder and will be susceptible to raveling and caving. Shielding, shoring, and bracing should be provided by the contractor for the work on the utilities and other deep site excavations in accordance with HIOSH to protect the workers in the excavations. The design and installation of the shoring system should be the responsibility of the contractor.

29. Site improvements such as manholes and drainage inlets can be supported on shallow foundation systems such as mat foundations, individual spread foundations, continuous line foundations, or a combination of these types provided the Grading recommendations have been followed. This will assure that the residual soils have been removed in accordance with the Grading recommendations and replaced with fill that has been compacted to at least 90 percent relative compaction prior to the construction of the improvements and their foundations.

30. Shallow foundations should be founded at least 12 inches below the lowest adjacent compacted subgrade on level ground. The embedment may be reduced to 6 inches into intact

basalt where the foundations bear on rock. Foundations on slopes or within 7 feet of the top of slopes should be embedded such that there is at least 7 feet of horizontal setback from the lower outside edge of the footing to the compacted slope face.

31. Continuous footings should have a minimum base width of 12 inches, while individual spread foundations should have a base width of at least 18 inches. Foundations may be founded on the fill compacted in accordance with the recommendations herein, saprolite, the deeper residual soils or the natural basalt formations. However, individual spread footings and mat foundations should be founded entirely on the same material throughout their contact area.

32. Any soft spots encountered in the foundation excavations should be removed down to compacted fill, or hard natural materials, and the resulting depression backfilled in accordance with the Grading recommendations. Soil-filled holes found in the intact basalt should be cleaned out and backfilled with low-cost concrete.

33. Footings may be founded on the compacted fill, saprolites or deeper residual soils, where an allowable bearing capacity of 3,000 psf may be used for the design of the footings. Mat foundations should be dimensioned such that the contact pressure of the mat does not exceed 2,000 psf. Foundations embedded at least 6 inches into the intact basalt may be designed for an allowable bearing capacity of 5,000 psf. These values may be increased by one-third for short-term wind or seismic loads.

34. The bottom of the foundations excavations in the fill or native soil materials should be compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Loose materials within the foundation trenches should be removed prior to the placement of the reinforcing steel and concrete.

35. The walls of the below-grade improvements such as drainage inlets and manholes may be designed for an at-rest lateral earth pressure of 60 p.c.f. equivalent fluid pressure assuming the level backfill behind the walls consists of the recommended fill materials indicated in the Grading recommendations. This pressure does not include foundation, surcharge, or hydrostatic pressure, which must be added where appropriate.

36. Weepholes should be provided in the walls of the drainage inlets or catch basins to minimize the accumulation of water within the base course layers of the adjacent pavements. Filter material, approximately 1 cubic foot in volume, and consisting of a free-draining granular material such as ASTM C33 No. 67 aggregate, wrapped in a non-woven geotextile filter fabric, should be provided in front of each weephole. Care must be taken in the construction of the filter materials in front of the weephole to maintain the hydraulic conductivity between the base course for the pavements and the weepholes.

37. Backfill around the improvements should be placed and compacted in accordance with the Grading recommendations of this report using small light equipment to minimize the lateral earth pressures against the improvement walls.

38. Steel reinforcement of the improvements and their foundations should be provided as recommended by the Project Structural Engineer. Total and differential settlements of the foundations for the improvements exceeding ¼ inch are not anticipated under the light loading conditions typical of site improvements.

39. Assuming the soil and rock conditions found in the borings extend to a depth of at least 100 feet below the existing ground surface, we believe that Lot 2A is likely designated as Site Class B, "Rock," due to the predominance of the basalt formations underlying the area.

### **Pavements**

40. It is anticipated that once the shopping center grading has been completed, the subgrade soils beneath the planned pavement areas should consist of either the natural basalt formations, saprolite or fill meeting the requirements of the Grading recommendations of this report.

- a. Based on these results, we believe that a minimal pavement section of 2 inches of Asphalt Concrete Paving (ACP), over 6 inches of Aggregate Base Course, placed on the compacted subgrade should be sufficient for the anticipated light passenger car traffic and utility trucks.
- b. The thickness of the ACP course should be increased to 3 inches in heavy traffic areas, or where heavy truck traffic is anticipated.

41. The composition of the Aggregate Base Course should conform to Section 703.06 of the Standard Specifications. The subgrade should be shaped to drain and be compacted to at least 95 percent relative compaction for a minimum depth of 6 inches prior to the placement of the base course.

42. The above pavement section is provided for preliminary design and cost-estimating purposes. The actual pavement will depend on the materials encountered at the pavement subgrade levels. The final pavement section should be based on the results of CBR tests obtained on samples of the subgrade soils during construction.

### **Quality Control**

43. The site preparation, grading and backfilling operations, including the removal of the surface residual soils and the proof-rolling operations, should be observed by FGE to determine whether the anticipated conditions are encountered.

44. Intermittent, random field density tests should be taken to determine whether the specified levels of compaction are being consistently obtained in the finer grained fills, backfills, and the existing ground to receive fill. Field density testing is not appropriate to evaluate the compaction of the minus 6-inch fill materials; compaction of the minus 6-inch fills must be visually observed on a full-time basis.

45. Samples of proposed fill materials should be submitted to FGE no less than 7 working days prior to its intended jobsite delivery to allow adequate time for testing, evaluation, and approval.

46. Excavations for the site improvements should be observed by FGE to determine whether the anticipated bearing materials are being encountered. The recommendations given herein are contingent on adequate monitoring of the geotechnical phases of the construction by FGE.

### **Limitations**

51. This report has been prepared for the exclusive use of **Piilani Promenade North, LLC** for the proposed **Mass Grading of Lot 2A** of the **Piilani Promenade North Shopping Center** in Kihei, Maui, Hawaii. In the performance of this investigation and the preparation of this report, FGE has strived to perform our work in general accordance with accepted geotechnical engineering practices and principles in Hawaii. No other warranty, expressed or implied is made. The limitations of the investigation and this report are detailed in Appendix C.

/ajs:tjc:fse



## APPENDIX A

### Subsurface Investigation Summary

**Project Designation:** Piilani Promenade North Shopping Center      **File:** 3050.01  
**Location:** Kihei, Maui, Hawaii  
**Project Location Map:** Figure 1  
**Boring Location Plan:** Figure 2  
**Drilling Contractor:** Hawaii Test Borings, Inc.  
**Drilling Equipment:** Mobile B-53  
**Drilling Method:**      /x/ 4-inch Auger      /x/ Wash  
                                 /x/ NX Core      /x/ HQ Core

#### Boring Summary:

<u>Boring</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>NX/HQ Core</u>	<u>Depth to Water Table<sup>1</sup></u>	<u>Water Table Elevation<sup>2</sup></u>	<u>Boring Log Figure No.</u>
1	10.0'	3	4.0'	N.E.	N.A.	3
2	24.0'	6	18.0'	N.E.	N.A.	4
2A	34.0'	9	10.0	N.E.	N.A.	5
3	22.0'	7	11.0'	N.E.	N.A.	6
4	22.5'	5	20.0'	N.E.	N.A.	7
5	20.0'	2	17.0'	N.E.	N.A.	8
6	40.0'	7	31.7'	N.E.	N.A.	9
7	30.5'	3	28.0'	N.E.	N.A.	10
8	30.0'	4	23.0'	N.E.	N.A.	11
9	38.0'	9	21.0'	N.E.	N.A.	12
9A	30.2'	9	0.0'	N.E.	N.A.	13
10	16.5'	2	11.5'	N.E.	N.A.	14
11	<u>22.5'</u>	<u>5</u>	<u>15.0'</u>	N.E.	N.A.	15
Totals	340.2'	71	210.2'			

**Date Started:** 5-23-11      **Date Completed:** 6-3-11

#### Test Pit Summary:

<u>Test Pit</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>Depth to Water Table</u>	<u>Test Pit Log Figure No.</u>
TP1	3.0'	1	N.E.	16
TP2	4.0'	1	N.E.	17
TP3	6.0'	2	N.E.	18
TP4	8.5'	2	N.E.	19
TP5	2.0'	1	N.E.	20
TP6	2.5'	2	N.E.	21
TP7	2.5'	1	N.E.	22
TP8	3.5'	1	N.E.	23
TP9	<u>9.5'</u>	<u>3</u>	N.E.	24
Totals	41.5'	14		

**Date Started:** 5-4-11      **Date Completed:** 5-5-11

<sup>1</sup> N.E.=None Encountered      <sup>2</sup> N.A.=Not Applicable

## APPENDIX A (Continued)

### Subsurface Investigation Summary

**Project Designation:** Piilani Promenade North Shopping Center **File:** 3050.01

**Location:** Kihei, Maui, Hawaii

#### Existing Adjacent FGE Borings:

<u>Boring</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>NX Core</u>	<u>Depth to Water Table<sup>1</sup></u>	<u>Water Table Elevation<sup>2</sup></u>	<u>Boring Log Figure No.</u>
2	36.8'	7	26.2'	N.E.	N.A.	25
3	39.0'	8	21.6'	N.E.	N.A.	26
4	30.0'	5	19.0'	N.E.	N.A.	27
5	25.0'	7	14.0'	N.E.	N.A.	28
6	<u>19.5'</u>	<u>5</u>	<u>12.5'</u>	N.E.	N.A.	29
Totals	150.3'	32	93.3'			

#### **Boring Log Legend:**

Figure 30

#### **Rock Core Photographs:**

Boring 1	Figure 31
Boring 2	Figure 32
Boring 2a	Figure 33
Boring 3	Figure 34
Boring 4	Figure 35
Boring 5	Figure 36
Boring 6	Figure 37
Boring 7	Figure 38
Boring 8	Figure 39
Boring 9	Figure 41
Boring 10	Figure 41
Boring 11	Figure 42

<sup>1</sup> N.E.=None Encountered

<sup>2</sup> N.A.=Not Applicable



**LEGEND:**



PROJECT LOCATION

SCALE: 1:24000

**GENERAL AREA:**

KIHEI, MAUI, HAWAII

**REFERENCE:**

PUU O KALI QUADRANGLE  
U.S.G.S. TOPOGRAPHIC MAP



F.G.E.

**PROJECT LOCATION MAP**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 1**







F.G.E. Ltd.

**Boring:** 1

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 51'±

**Depth to Water:** None Encountered (5/29/11, 12:30pm)

**Date Completed:** 5-26-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *(x) See Legend	S A M P L E	D E P T H	CLASSIFICATION
Direct Shear: C= 335psf Ø= 45° Swell= 0.5% S.I.= 0.02  U.C.= 11,145psi	17	73	36 (26)	1		Reddish Brown SILT (ML) with roots to 4", hard, dry  (RESIDUAL)
	26	68	70/9" (47/9")	2		Light Brown/Gray SILT (ML) with some remnant rock structure, hard, damp  (SAPROLITE)
			R	3		
	160	REC=100% RQD=90%	HQ Core			Gray Slightly Weathered BASALT (WS), hard, massive
		REC=100% RQD=77%	HQ Core			Brown Silty GRAVEL-sized Volcanic Rock Fragments (GM), dense, damp (WEATHERED Aa CLINKER)
						Brown/Gray Slightly Weathered Vesicular BASALT (F), hard, massive  BOH @ 10.0'
					15	
					20	
					25	
					30	
					35	

Figure 3



F.G.E. Ltd.

**Boring:** 2  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 91'±  
**Depth to Water:** None Encountered (6/4/11, 9:30am)  
**Date Completed:** 6-1-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

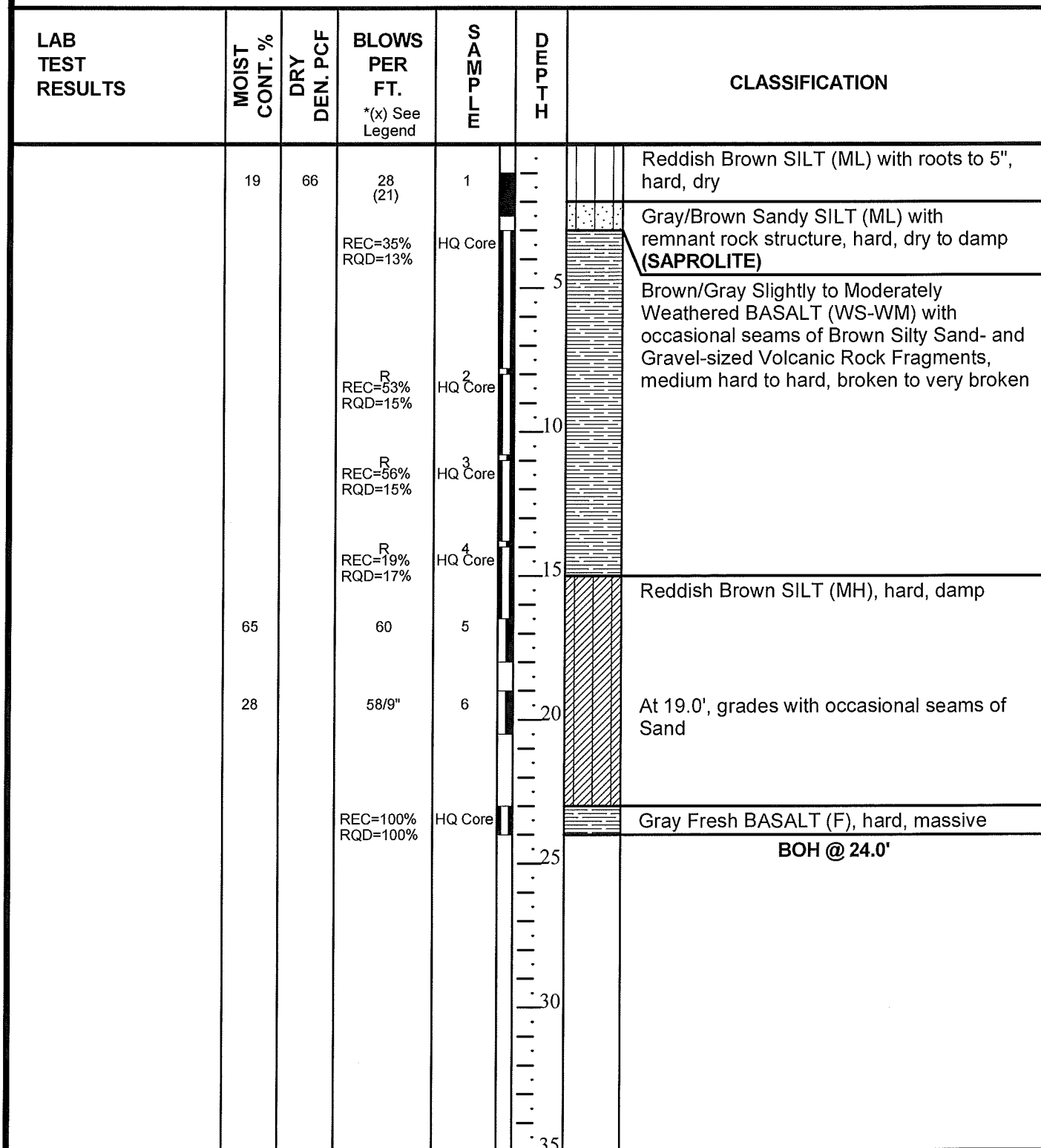


Figure 4



F.G.E. Ltd.

**Boring:** 2A  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 91'±  
**Depth to Water:** None Encountered (6/15/11, 6:10am)  
**Date Completed:** 6-14-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 900psf Ø= 35° Swell= 0.5% S.I.= 0.1 LL= 70, PI= 0 Torv.= 1,750psf  Direct Shear: C= 675psf Ø= 38° Swell= 0.5% S.I.= 0.01 Torv.= 1,250psf Torv.= 2,250psf						Reddish Brown SILT (ML) with roots to 5", hard, dry Gray/Brown Sandy SILT (ML) with remnant rock structure, hard, dry to damp (SAPROLITE) Brown/Gray Slightly to Moderately Weathered BASALT (WS-WM) with occasional seams of Brown Silty Sand- and Gravel-sized Volcanic rock fragments, medium hard to hard, broken to very broken
	45	41	87 (59)	1	15	Reddish Brown SILT (MH), hard, damp
	47	51	108/10" (71/10")	2		
	42	55	132/10" (88/10")	3		
			172 (115)	4	20	
	27	87	105/10" (70/10")	5		
			100/5" (67/5")	6		
			REC=81% RQD=64%	7 NX Core	25	(RESIDUAL)
			REC=52% RQD=49%	NX Core	30	Gray Fresh Vesicular BASALT (F), hard, occasionally broken  At 26.0', grades with seams of dense Brown/Gray Gravel-sized Volcanic Rock Fragments
			32/3" R R	8		
				9		Gray Silty GRAVEL-sized Volcanic Rock Fragments (GM), dense, moist
					35	BOH @ 34.0'

**Figure 5**





F.G.E. Ltd.

**Boring:** 3

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 89'±

**Depth to Water:** None Encountered (5/29/11, 6:30am)

**Date Completed:** 5-26-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 390psf Ø= 37° Swell= 0.2% S.I.= 0.01	24	77	41 (29)	1	0	Reddish Brown SILT (ML) with roots to 4", hard, damp ( <b>RESIDUAL</b> )
	21	90	39 (28)	2	1	Gray Brown SILT (ML) with remnant rock structure, hard, dry to damp ( <b>SAPROLITE</b> )
			27 (21)	3	5	Brown/Gray GRAVEL-sized Volcanic Rock Fragments (GP), trace roots, medium dense, damp ( <b>Aa Clinker</b> )
			REC=69% RQD=0%	HQ Core		
			R REC=31% RQD=0%	HQ Core	10	Brown/Gray Moderately Weathered BASALT (WM) with seams of Silty Sand- and Gravel-sized Volcanic Rock Fragments, medium hard, very broken
			R	5		Red SILT (MH), trace Weathered Gravel-sized Rock Fragments, very hard, damp ( <b>RESIDUAL</b> )
	70		48	6	15	At 17.5', grades with occasional seams of Sand
	77		67	7		
			50/6"	8	20	Brown/Gray Moderately Weathered Vesicular BASALT (WM), medium hard, broken
			REC=78% RQD=71%	HQ Core		Gray Slightly Weathered Vesicular BASALT (F), hard, massive
					25	<b>BOH @ 22.0'</b>
					30	
					35	

**Figure 6**



F.G.E. Ltd.

**Boring:** 4

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 90'±

**Depth to Water:** None Encountered (6/4/11, 9:00am)

**Date Completed:** 6-3-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 22,315psi	62	164	R REC=91% RQD=89%	1 HQ Core	0	Reddish Brown SILT (ML) with roots to 4", hard, damp ( <b>RESIDUAL</b> )
					5	Gray Fresh BASALT (F), hard, massive
			R REC=100% RQD=98%	3 HQ Core	5.5	At 5.5' to 6.0', seam of Silt with Gravel-sized Rock Fragments
					10	At 8.0', grades with occasional fractures and trace Silt in fractures
			REC=56% RQD=53%	HQ Core	15	
			R REC=17% RQD=0% 96	4 HQ Core	15.5	Reddish Brown SILT (MH) with occasional seams of Sand, hard, damp
				5 HQ Core	16	( <b>REDSIDUAL</b> )
			REC=95% RQD=94%	HQ Core	20	Gray Fresh Vesicular BASALT (F), hard, massive
					25	Gray Slightly to Moderately Weathered Vesicular BASALT (WS-WM), hard, broken
					30	
					35	

**BOH @ 22.5'**

**Figure 7**



F.G.E. Ltd.

**Boring:** 5  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 90'±  
**Depth to Water:** None Encountered (6/4/11, 8:45am)  
**Date Completed:** 5-31-11

**File:** 3050.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*(x) See Legend</small>	S A M P L E	D E P T H	CLASSIFICATION
	15	67	95/9" (64/9")	1		Light Brown SILT (ML) with roots to 3", hard, damp ( <b>RESIDUAL</b> )
			REC=100% RQD=100%	HQ Core		Light Brown SILT (ML) with remnant rock structure, hard, damp ( <b>SAPROLITE</b> )
			REC=81% RQD=81%	HQ Core	5	Gray Slightly Weathered BASALT (WS), hard, massive
			REC=81% RQD=91%	HQ Core	10	At 8.0' to 8.3', seam Welded Clinker
			REC=100% RQD=90%	HQ Core	15	At 10.5', grades Moderately Weathered, broken
			REC=67% RQD=67%	HQ Core	20	At 16.0' to 16.5' seam of dense Gravel-sized Volcanic Rock Fragments
						<b>BOH @ 20.0'</b>
					25	
					30	
					35	

**Figure 8**



**Boring:** 6  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 1111±  
**Depth to Water:** None Encountered (6/4/11, 9:00am)  
**Date Completed:** 5-28-11

**File:** 3050.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 13,700psi	42	154	R REC=65% RQD=48%	HQ Core 1	0	Light Brown SILT (ML) with roots to 4", hard, damp <b>(RESIDUAL)</b>
			REC=27% RQD=0% 55/9"	HQ Core 2	5	Gray Slightly Weathered BASALT (WS) with Silt in fractures, hard, occasionally broken
			REC=100% RQD=87%	HQ Core	10	
			REC=50% RQD=0%	HQ Core	10	
			R REC=75% RQD=27%	HQ Core 3	10	
			REC=100% RQD=67% 47/6"	HQ Core 4	15	Gray Slightly Weathered BASALT (WS), hard, occasionally broken
			50/6"	5	15	Reddish/Brown SILT (MH), very hard, damp <b>(RESIDUAL)</b>
			REC=100% RQD=100%	HQ Core	20	Gray Slightly Weathered Vesicular BASALT (WS), hard, massive
			REC=100% RQD=100%	HQ Core	25	
			REC=75% RQD=64%	HQ Core	30	At 27.0', grades Moderately Weathered, occasionally broken
U.C.= 6,195psi		149	R REC=75% RQD=33%	HQ Core 6	30	VOID
			REC=100% RQD=37%	HQ Core	35	Brown/Gray Silty GRAVEL-sized Volcanic Rock Fragments, very dense, hard
					35	Gray Fresh BASALT (F) with occasional seams of Weathered Clinker, medium hard to hard, occasionally broken to very broken

**Figure 9 a**



**Date Completed:** 5-28-11

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *(x) See Legend	S A M P L E	D E P T H	CLASSIFICATION
			REC=100% RQD=48% 50/6" REC=81% RQD=72%	HQ Core  7 HQ Core	<div style="position: relative; height: 100px;"> <span style="position: absolute; top: 0; right: 0;">.</span> <span style="position: absolute; top: 10%; right: 0;">.</span> <span style="position: absolute; top: 20%; right: 0;">.</span> <span style="position: absolute; top: 30%; right: 0;">.</span> <span style="position: absolute; top: 40%; right: 0;">40</span> <span style="position: absolute; top: 50%; right: 0;">.</span> <span style="position: absolute; top: 60%; right: 0;">.</span> <span style="position: absolute; top: 70%; right: 0;">.</span> <span style="position: absolute; top: 80%; right: 0;">.</span> <span style="position: absolute; top: 90%; right: 0;">.</span> <span style="position: absolute; top: 100%; right: 0;">70</span> </div>	Gray Fresh BASALT (F) with occasional seams of Weathered Clinker, medium hard to hard, occasionally broken to very broken
						BOH @ 40.0'

**Figure 9 b**



F.G.E. Ltd.

**Boring:** 7

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 100'±

**Depth to Water:** None Encountered (6/4/11, 8:15am)

**Date Completed:** 5-31-11

**File:** 3050.01

**Project Engineer:** AS

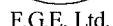
**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 14,570psi		160	REC=90% RQD=75%	HQ Core	0	Brown SILT (ML), hard, damp
			20/3"	1	1	Gray Slightly Weathered BASALT (WS) with Silt in fractures, hard, broken
U.C.= 12,895psi		166	REC=96% RQD=87%	HQ Core	5	Gray Slightly Weathered BASALT (WS), hard, massive
			REC=42% RQD=20%	HQ Core	10	Gray/Brown Moderately Weathered BASALT (WM) with seams of dense Gravel-sized Rock Fragments, soft to medium hard, broken to very broken
			REC=42% RQD=35%	HQ Core	15	
			20/6"	3	20	Gray Slightly Weathered Vesicular BASALT (WS) with occasional seams of Silty Gravel-sized Rock Fragments, hard, massive
U.C.= 5,690psi		140	REC=82% RQD=71%	HQ Core	25	At 23.0', grades to occasionally broken to massive
			REC=86% RQD=78%	HQ Core	30	
			REC=100% RQD=100%	HQ Core	35	
						BOH @ 30.5'

**Figure 10**



**Date Completed:** 6-2-11

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 14,655psi	13	72	54/6" (37/6")  REC=100% RQD=100%	1  HQ Core	0	Light Brown SILT (ML) with roots to 5", hard, damp ( <b>RESIDUAL</b> )
					1	Gray/Brown SILT (ML), with remnant rock structure, hard, damp ( <b>SAPROLITE</b> )
					5	Gray Slightly Weathered BASALT (WS), hard, massive
					10	
					13.5	At 13.5', grades occasionally broken
					15	
					20	
					22	
					25	
					30	
LL= 64, PI= 0	65	162	REC=100% RQD=100%	HQ Core	10	
					15	
					20	
					22	
					25	
					30	
					35	
					40	
					45	
					50	
			REC=60% RQD=35%	HQ Core	15	
					20	
					22	
					25	
					30	
					35	
					40	
					45	
					50	
					55	
			REC=0% RQD=48%	2 HQ Core	20	
					22	
					25	
					30	
					35	
					40	
					45	
					50	
					55	
					60	
			39	3	20	Reddish Brown Clayey SILT (MH), very hard, damp
					22	
					25	
					30	
					35	
					40	
					45	
					50	
					55	
					60	
			12	4	22	At 22.0', grades with seams of Sand
					25	
					30	
					35	
					40	
					45	
					50	
					55	
					60	
					65	
			REC=89% RQD=52%	HQ Core	25	Gray Fresh Vesicular BASALT (F), hard, occasionally broken to broken
					27	
					30	
					35	
					40	
					45	
					50	
					55	
					60	
					65	
			REC=100% RQD=100%	HQ Core	30	Brown/Gray Moderately Weathered BASALT (WM), hard, broken to very broken
					32	
					35	
					40	
					45	
					50	
					55	
					60	
					65	
					70	
					30	Gray Fresh Vesicular BASALT (F), hard, massive
					32	
					35	
					40	
					45	
					50	
					55	
					60	
					65	
					70	
					30	<b>BOH @ 30.0'</b>
					32	
					35	
					40	
					45	
					50	
					55	
					60	
					65	
					70	

Figure 11





F.G.E. Ltd.

**Boring:** 9

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 98'±

**Depth to Water:** None Encountered (6/4/11, 9:50am)

**Date Completed:** 6-1-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 900psf Ø= 34° Swell= 1.4% S.I.= 0.04  U.C.= 7,025psi	19	75	65 (44)	1	0	Light Brown SILT (ML) with trace roots, hard, damp
			70/9" (47/9")	2	1	Light Brown/Gray SILT (ML) with remnant rock structure, roots, hard, damp
			R	3	2	(SAPROLITE)
	62	166	REC=100% RQD=0%	HQ Core	3	Gray Slightly Weathered BASALT (WS), hard, broken  At 8.0', grades massive
			REC=100% RQD=100%	HQ Core	4	
			REC=100% RQD=100%	HQ Core	5	
			REC=25% RQD=12%	HQ Core	6	Reddish Brown Clayey SILT (MH), hard, damp  At 20.5', with occasional Sand seams
			44	4	7	
			32	5	8	
	46	68	22	6	9	
			5	7	10	Gray Slightly Weathered Vesicular BASALT (WS) with Silt in fractures, hard, occasionally broken to massive
			18	8	11	
			43/4"	9	12	
	69		REC=87% RQD=40%	HQ Core	13	
			REC=100% RQD=77%	HQ Core	14	

**Figure 12 a**

F.G.E. Ltd.

**Boring:** 9

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation: 98'±**

**Depth to Water:** None Encountered (6/4/11, 9:50am)

**Date Completed:** 6-1-11

**File:** 3050.01

**Project Engineer: AS**

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*(x) See Legend</small>	S A M P L E	D E P T H	CLASSIFICATION
						At 35.0', grades broken
						Gray Fresh BASALT (F), hard, massive
						BOH @ 38.0'
					40	
					45	
					50	
					55	
					60	
					65	
					70	

**Figure 12 b**



F.G.E. Ltd.

**Boring:** 9A

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 98'±

**Depth to Water:** None Encountered (6/15/11, 5:30am)

**Date Completed:** 6-13-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Gradation: Gravel= 4% Sand= 66% Silt/Clay= 30% Torv.= 435psf Direct Shear: C= 600psf Ø= 41° Swell= 0.0% S.I.= 0.0 Direct Shear: C= 600psf Ø= 39° Swell= 0.7% S.I.= 0.02 Torv.= 800psf LL= 115, PI= 41 Torv.= 1,670psf Direct Shear: C= 700psf Ø= 39° Swell= 0.7% S.I.= 0.04 Torv.= 1,665psf Torv.= 2,165psf						Light Brown SILT (ML) with roots, hard, damp
						Light Brown/Gray SILT (ML) with remnant rock structure, roots, hard, damp
					5	(SAPROLITE)
						Gray Slightly Weathered BASALT (WS), hard, broken
					10	
					15	
			84/10" (45/10")	1		Brown/Gray GRAVEL-sized Volcanic Rock Fragments (GP), very dense, damp
	28	90	102 (59)	2	20	Reddish Brown Silty SAND (SM), very dense, moist
	30	88	96/9" (56/9")	3		(RESIDUAL)
	59	49	44 (30)	4		Reddish Brown SILT (MH), hard, damp
			46 (31)	5	25	
	72	60	37 (27)	6		
	96	42	37 (27)	7		
			76/8" R (51/8")	8		
	58	54	50/3" R (34/3")	9	30	(RESIDUAL)
						BOH @ 30.2'
					35	

**Figure 13**



F.G.E. Ltd.

**Boring:** 10  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 100'±  
**Depth to Water:** None Encountered (6/4/11, 10:00am)  
**Date Completed:** 6-3-11

**File:** 3050.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

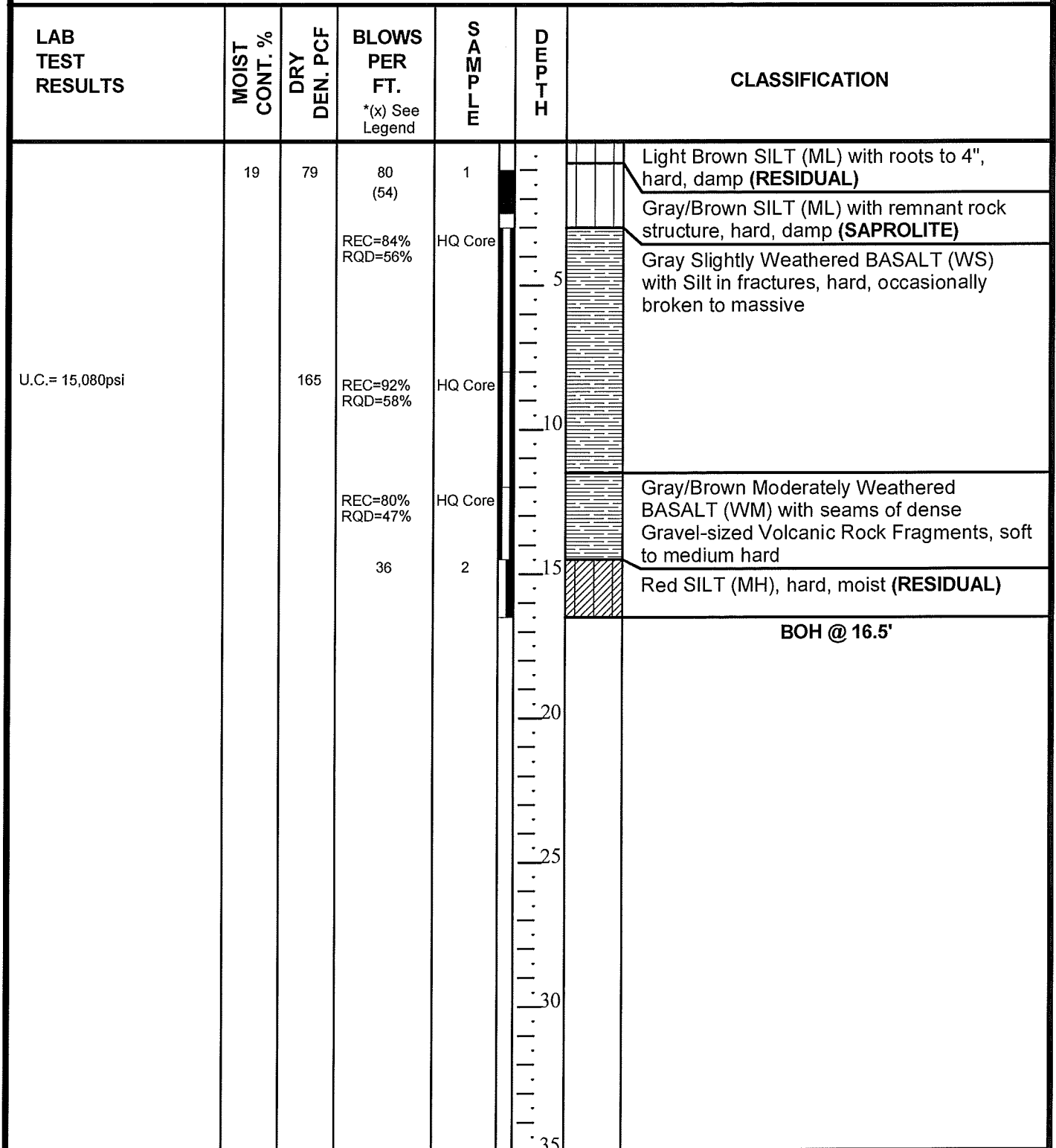


Figure 14



F.G.E. Ltd.

**Boring:** 11

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 106'±

**Depth to Water:** None Encountered (6/4/11, 10:30am)

**Date Completed:** 6-2-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *(x) See Legend	S A M P L E	D E P T H	CLASSIFICATION
	15	77	85 (57)	1		Brown SILT (ML) with roots to 4", hard, damp <b>(RESIDUAL)</b>
	11	69	R REC=78% RQD=64%	2 HQ Core		Brown/Gray SILT (ML) with remnant rock structure, hard, damp <b>(SAPROLITE)</b>
			REC=100% RQD=69%	HQ Core	5	Gray Slightly Weathered BASALT (WS), hard, massive
			28/5" REC=100% RQD=28%	3 HQ Core	10	Brown GRAVEL-sized Volcanic Rock Fragments (SM-GM), very dense <b>(WEATHERED Aa CLINKER)</b>
	59		58/9"	4	15	Reddish Brown SILT (MH), very hard, damp
	70		77 REC=82% RQD=73%	5 HQ Core	20	<b>(RESIDUAL)</b> Gray Slightly Weathered Vesicular BASALT (WS), hard, massive
					25	<b>BOH @ 22.5'</b>
					30	
					35	

**Figure 15**



F.G.E. Ltd.

**Boring:** TP1

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 90'±

**Depth to Water:** None Encountered (5/5/11)

**Date Completed:** 5-5-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
CBR= 26.5 Swell= 1.6% LL= 39, PI= 12 Gradation: Gravel= 5% Sand= 24% Silt/Clay= 71%	21	104		1		Brown Silt with roots to 3", loose, dry
						Light Brown Sandy SILT (ML) with trace Gravel, very stiff to hard, damp (RESIDUAL) BOH on Basalt @ 3.0'

Figure 16



F.G.E. Ltd.

**Boring:** TP2  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 72±  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	SAMPLE	DEPTH	CLASSIFICATION
Gradation: Gravel= 0% Sand= 30% Silt/Clay= 70%	22			1		Boulders and Cobbles in Brown Silt matrix, dense, damp Light Brown Sandy SILT (ML), very stiff to hard (RESIDUAL)
						BOH on Basalt @ 4.0'

Figure 17





F.G.E. Ltd.

**Boring:** TP3

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 79'±

**Depth to Water:** None Encountered (5/5/11)

**Date Completed:** 5-5-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
	18			1	0	COBBLES and BOULDERS in Brown Silt matrix, and roots to 2", dense, damp
	13			2	2	Light Brown SILT (ML), very stiff to hard, damp
					5	(RESIDUAL)
					6	Light Brown Sandy SILT (ML) with Remnant Rock Structure, hard, damp (SAPROLITE)
					6.0	BOH on Basalt @ 6.0'
					10	
					15	
					20	
					25	
					30	
					35	

**Figure 18**

F.G.E. Ltd.

**Boring:** TP4

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation: 60'±**

**Depth to Water:** None Encountered (5/4/11)

**Date Completed:** 5-5-11

**File:** 3050.01

**Project Engineer: AS**

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	SAMPLE	DEPTH	CLASSIFICATION
CBR= 43.8 Swell= 0.4% LL= 50, PI= 15 Gradation: Gravel= 1% Sand= 41% Silt/Clay= 58%	30	92		<div style="text-align: center;">SAMPLE</div>	0	BOULDERS and COBBLES in a Brown Silt matrix, loose, dry
					1	Light Brown Sandy SILT (ML-MH) with some Cobbles and Boulders, medium dense, dry to damp
					2	(RESIDUAL)
					3	Gray/Brown Sandy SILT (ML) with Remnant Rock Structure, hard, damp
					4	(SAPROLITE)
					5	Gray Slightly Weathered BASALT (F), hard, occasionally broken
					6	BOH @ 8.5'
					7	
					8	
					9	
					10	
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

**Figure 19**



F.G.E. Ltd.

**Boring:** TP5  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 71'±  
**Depth to Water:** None Encountered (5/4/11)  
**Date Completed:** 5-4-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
	14			1		Light Brown SILT (ML) with Cobbles and roots to 3", loose, dry to damp (RESIDUAL) BOH on Basalt @ 2.0'

Figure 20



F.G.E. Ltd.

**Boring:** TP6  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 90'±  
**Depth to Water:** None Encountered (5/4/11)  
**Date Completed:** 5-4-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	SAMPLE	DEPTH	CLASSIFICATION
CBR= 30.0 Swell= 1.4% LL= 48, PI= 17	24	98		1	0	Light Brown Sandy SILT (ML), loose, dry
				2	2.5	Brown/Gray Sandy SILT (ML) with Remnant Rock Structure, very stiff, damp to moist ( <b>SAPROLITE</b> ) <b>BOH on Basalt @ 2.5'</b>
					5	
					10	
					15	
					20	
					25	
					30	
					35	

Figure 21



F.G.E. Ltd.

**Boring:** TP7  
**Project:** Piilani Promenade North Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 59'±  
**Depth to Water:** None Encountered (5/4/11)  
**Date Completed:** 5-4-11

**File:** 3050.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
	17			1		Brown Sandy SILT (ML), loose, damp (RESIDUAL) Gray Slightly Weathered BASALT (WS), hard, occasionally broken BOH @ 2.5'

Figure 22



F.G.E. Ltd.

**Boring:** TP8

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 68'±

**Depth to Water:** None Encountered (5/4/11)

**Date Completed:** 5-4-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
	16			1	0	Light Brown Sandy SILT (ML) with Cobbles and roots to 2", hard, dry to damp (RESIDUAL)
					5	Gray Slightly Weathered BASALT (WS), hard, occasionally broken
						BOH on Basalt @ 3.5'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 23



F.G.E. Ltd.

**Boring:** TP9

**Project:** Piilani Promenade North Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 80'±

**Depth to Water:** None Encountered (5/4/11)

**Date Completed:** 5-4-11

**File:** 3050.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
LL= 38, PI= 13	20			1	0	Gray GRAVEL (GP) with Sand and Silt, loose, dry ( <b>FILL</b> )
				2	1	Light Brown Sandy SILT (ML-CL) with some Cobbles, hard, damp ( <b>RESIDUAL</b> )
				3	5	Light Brown/Gray SILT (ML) with remnant rock structure, very stiff to hard, moist ( <b>SAPROLITE</b> )
					10	Gray Moderately Weathered BASALT (WM), medium hard, broken to occasionally broken
					10	Gray Slightly Weathered BASALT (WS), hard, occasionally broken to massive
						<b>BOH @ 9.5'</b>
					15	
					20	
					25	
					30	
					35	

Figure 24





F.G.E. Ltd.

Boring: 2

Project: Kaonoulu Substation and Support Poles

Location: Kihei, Maui, Hawaii

Surface Elevation: 84'±

Depth to Water: None Encountered (6/9/11 @ 6:15am)

Date Completed: 6-9-11

File: 2930.21

Project Engineer: AS

Field Engineer: TRN

Drafted by: KSL

Date of Drawing: July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 450psf Ø= 37° Swell= 0.3% S.I.= 0.0 LL= 37, PI= 15  U.C.= 11,600psi	20	86	28/8" (21/8")*	1	0	Light Gray Silty SAND and GRAVEL (SM-GM), dense, dry (FILL)
			25/2" (13/2")	2	5	Brown Silty SAND (SM) with trace Gravel, dense, damp (FILL)
			25/3" (13/3") REC= 93% RQD= 87%	3 HQ Core	5	Brown/Gray Sandy CLAY (CL) with Weathered Rock Fragments and remnant rock structure, trace roots, hard, damp (SAPROLITE)
	20	88	REC= 89% RQD= 89%	HQ Core	10	Gray Slightly Weathered BASALT (WS), hard, massive
			REC= 100% RQD= 100%	HQ Core	15	At 11.0', grades Fresh
			REC= 100% RQD= 83%	HQ Core	20	At 20.5', grades Slightly to Moderately Weathered
	51	165	58/10"	4	25	Red SILT (ML), hard, damp
			30/2" REC= 100% RQD= 100% REC= 64% RQD= 47%	5 HQ Core HQ Core	25	(RESIDUAL)
			R REC= 92% RQD= 87%	6 HQ Core	30	Gray Slightly to Moderately Weathered Vesicular BASALT (WS-WM), hard, massive At 27.0', grades occasionally broken to broken
					35	

Figure 25 a



F.G.E. Ltd.

**Boring:** 2

**Project:** Kaonoulu Substation and Support Poles

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 84'±

**Depth to Water:** None Encountered (6/9/11 @ 6:15am)

**Date Completed:** 6-9-11


**File:** 2930.21

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*(x) See Legend</small>	S A M P L E	D E P T H	CLASSIFICATION
			30/4"	7		 Brown/Gray GRAVEL-sized Volcanic Rock Fragments (GP), very dense, damp <b>BOH @ 36.8'</b>
					40	
					45	
					50	
					55	
					60	
					65	
					70	

**Figure 25 b**



F.G.E. Ltd.

**Boring:** 3

**Project:** Kaonoulu Substation and Support Poles

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 94'±

**Depth to Water:** None Encountered (6/11/11 @ 6:40am)

**Date Completed:** 6-10-11

**File:** 2930.21

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Gradation: Gravel= 48% Sand= 25% Silt/Clay= 27%  U.C.= 12,150psi	13		56 (31)*	1		Brown Silty SAND (SM) with Gravel and roots to 4", loose, damp
	8		20/4" (10/4")	2		Light Brown Silty SAND and GRAVEL (SM-GM) with some Cobbles and occasional seams of Silt, dense, damp
			57 (31)	3	5	
	34		REC= 39% RQD= 38% 67/7"	HQ Core 4		(FILL)
	41		38/4"	5	10	Light Brown/Gray Sandy SILT (ML) with remnant rock structure, hard, moist
			REC= 92% RQD= 60%	HQ Core		(SAPROLITE)
			REC= 100% RQD= 28%	HQ Core	15	Gray Moderately Weathered BASALT (WS), medium hard, broken to occasionally broken
		164	REC= 100% RQD= 92%	HQ Core		At 17.5', grades Slightly Weathered, hard, occasionally broken to massive
U.C.= 2,450psi	74		68	6	20	Red SILT (ML) with occasional seams of Silty Sand, hard, damp
	45		50	7		
			75	8	25	
	88		REC= 92% RQD= 53%	HQ Core		(RESIDUAL)
		135	REC= 67% RQD= 18%	HQ Core	30	Gray Slightly Weathered BASALT (WS), medium hard, occasionally broken At 28.5', grades to Moderately Weathered, broken
			REC= 100% RQD= 92%	HQ Core		Gray Slightly Weathered Vesicular BASALT (WS), hard, occasionally broken to massive At 34.0', grades with occasional seams of Moderately Weathered Basalt
			REC= 100%	HQ	35	

**Figure 26 a**



F.G.E. Ltd.

**Boring:** 3

**Project:** Kaonoulu Substation and Support Poles

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 94'±

**Depth to Water:** None Encountered (6/11/11 @ 6:40am)

**Date Completed:** 6-10-11

**File:** 2930.21

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *(x) See Legend	S A M P L E	D E P T H	CLASSIFICATION	
			RQD= 83%	Core		<div>Gray Slightly Weathered BASALT (WS) with occasional seams of Moderately Weathered Basalt, hard, occasionally broken to massive At 38.5', grades Fresh</div>	



F.G.E. Ltd.

Boring: 4

Project: Kaonoulu Substation and Support Poles

Location: Kihei, Maui, Hawaii

Surface Elevation: 100'±

Depth to Water: None Encountered (6/8/11 @ 7:30pm)

Date Completed: 6-7-11

File: 2930.21

Project Engineer: AS

Field Engineer: TRN

Drafted by: KSL

Date of Drawing: July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 2,700psf Ø= 33° Swell= 0.02% S.I.= 0.0 LL= 38, PI= 0  U.C.= 13,500psi  U.C.= 15,900psi	14	89	72 (49)*	1	0-5	Brown SILT (ML) with roots to 4", hard, damp <b>(RESIDUAL)</b>
						Brown/Gray SILT (ML) with remnant rock structure, trace roots, hard, damp <b>(SAPROLITE)</b>
						Gray Fresh BASALT (F) with occasional seams of Silt in fractures, hard, massive At 4.0', grades broken At 4.5', grades massive
	59	167	REC= 87% RQD= 76%	HQ Core	5-10	
		164	REC = 65% RQD= 76%	HQ Core	10-15	Brown/Gray Moderately Weathered Vesicular BASALT (WM), hard, broken
		73	56	2	15-20	Red SILT (ML) with occasional Silty Sand- and Gravel-sized Rock Fragments, hard, damp
					20-25	
					25-30	
					30-35	
	92	50/6"	REC= 100% RQD= 58% REC= 96% RQD= 89%	HQ Core HQ Core	20-25	
					25-30	Gray Slightly Weathered Vesicular BASALT (WS) with Silt in fractures, hard, broken to occasionally broken At 22.0', grades Fresh, massive
			REC= 100% RQD= 100%	HQ Core	30-35	
						<b>BOH @ 30.0'</b>

Figure 27



F.G.E. Ltd.

**Boring:** 5  
**Project:** Kaonoulu Substation and Support Poles  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 106'±  
**Depth to Water:** None Encountered (6/8/11 @ 7:15pm)  
**Date Completed:** 6-7-11

**File:** 2930.21  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 14,000psi  Gradation: Gravel= 54% Sand= 37% Silt/Clay= 9%		160	50/4" REC= 78% RQD= 63%  REC= 86% RQD= 22%	1 HQ Core	0	Brown SILT (ML) with roots to 3", hard, damp <b>(RESIDUAL)</b>
				2 HQ Core	5	Gray Moderately Weathered BASALT (WM), with occasional seams of Gravel-sized rock fragments, hard, broken to very broken
	16		30	3		Void
			REC= 29% RQD= 0%	HQ Core	10	Gray COBBLE-and GRAVEL-sized Volcanic Rock Fragments (GM) , dense, moist
			46	4		
			REC= 36% RQD= 0%	HQ Core	15	
	64		65	5		Red Sandy SILT (ML), very stiff to hard, damp  At 17.0', grades Reddish Brown
	57		52	6	20	
			30/3"	7		<b>(RESIDUAL)</b>
			REC= 100% RQD= 100%	HQ Core	25	Gray Slightly Weathered Vesicular BASALT (WS), hard, massive
			REC= 100% RQD= 100%	HQ Core	25	
					30	
					35	
						<b>BOH @ 25.0'</b>

Figure 28



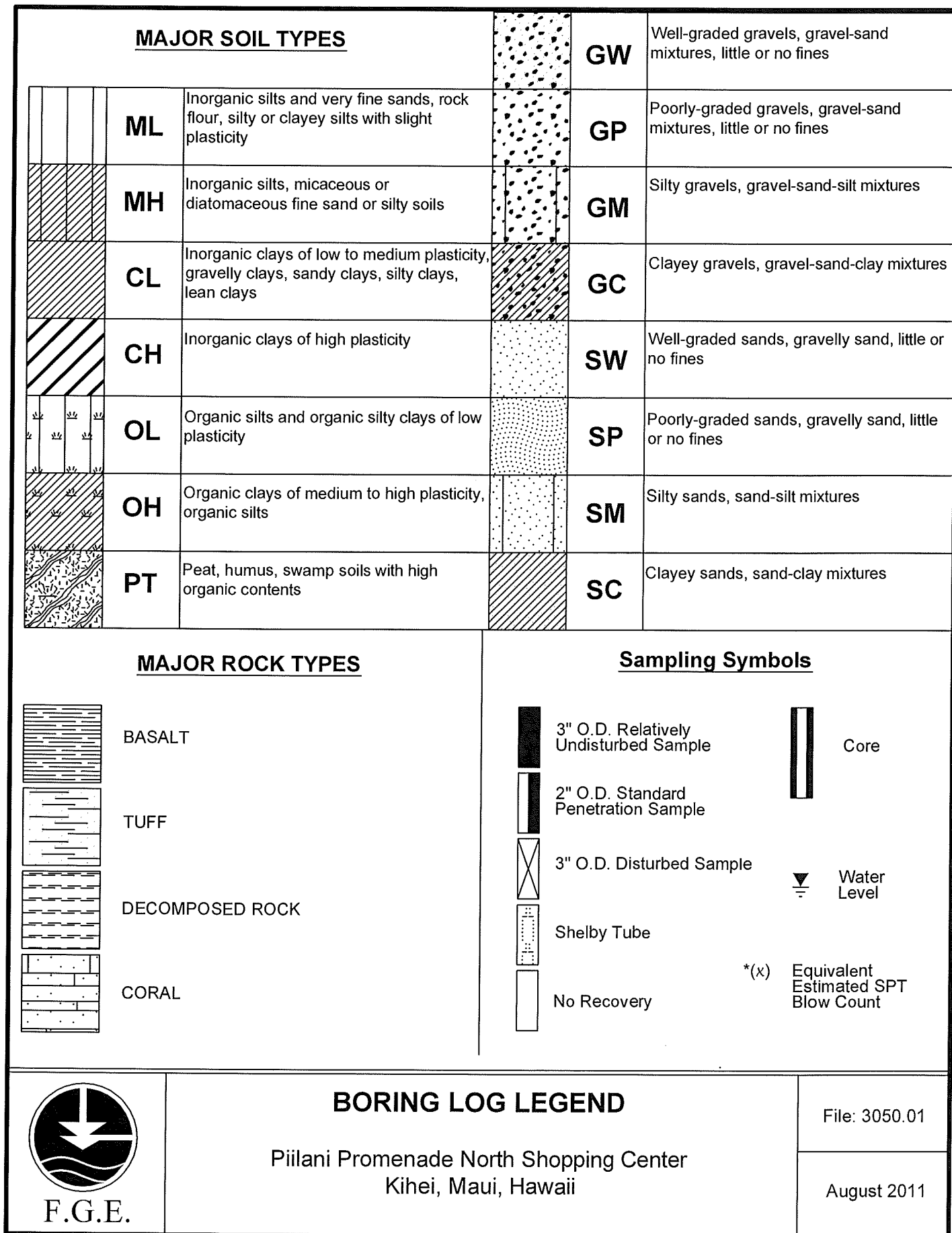
**Boring:** 6  
**Project:** Kaonoulu Substation and Support Poles  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 106'±  
**Depth to Water:** None Encountered (6/8/11 @ 6:40pm)  
**Date Completed:** 6-6-11

**File:** 2930.21  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** July 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. *(x) See Legend	SAMPLE	DEPTH	CLASSIFICATION
U.C.= 11,050psi	88 50	164	R REC= 88% RQD= 55%	1 HQ Core	0-5	Brown SILT (ML) with roots to 5", trace Cobbles, hard, damp <b>(RESIDUAL)</b>
			50/3" REC= 48% RQD= 23%	2 HQ Core	5-10	Gray Slightly to Moderately Weathered BASALT (WS-WM) with occasional seams of SAND- and GRAVEL-sized Rock Fragments, hard, occasionally broken to very broken
			52/6" REC= 17% RQD= 0%	3 HQ Core	10-15	Red Sandy SILT (ML), hard, damp
			54	4	15-20	<b>(RESIDUAL)</b>
			49	5	20-25	
					25-35	BOH @ 19.5'

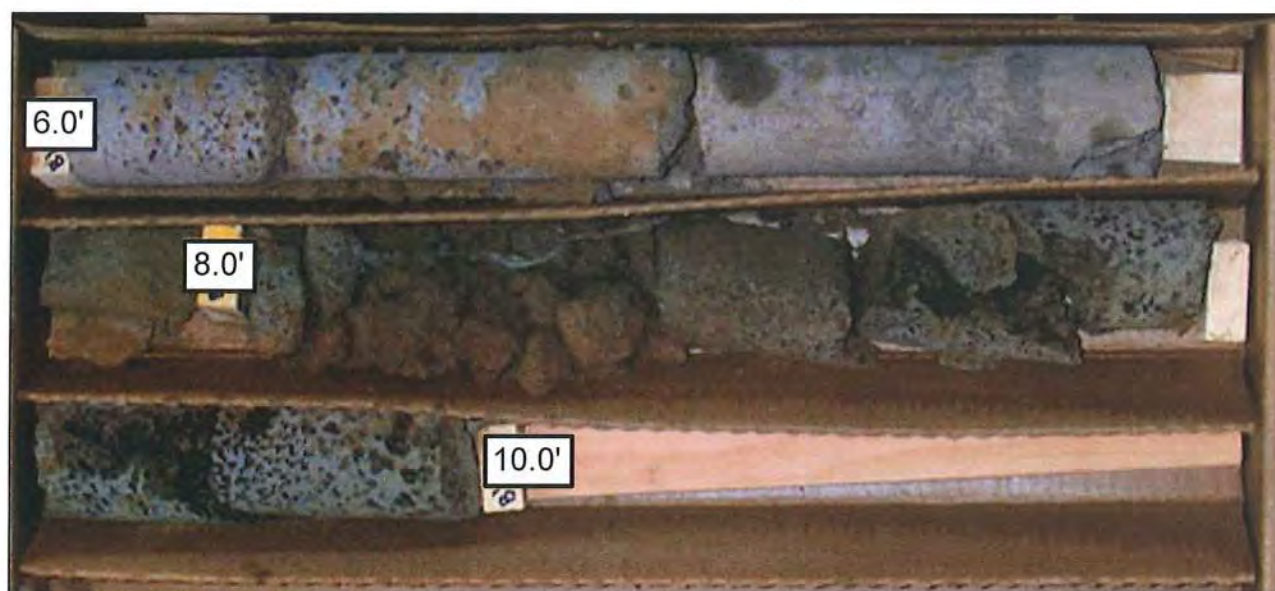
Figure 29





**Figure 30**

# Boring 1: 6.0'-10.0'



F.G.E.

## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 31

# Boring 2: 3.0'-17.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 32**



Boring 2a: 24.0'-32.5'



### ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 33

# Boring 3: 7.0'-22.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 34**



## Boring 4: 1.0'-10.5'



### ROCK CORE PHOTOGRAPH

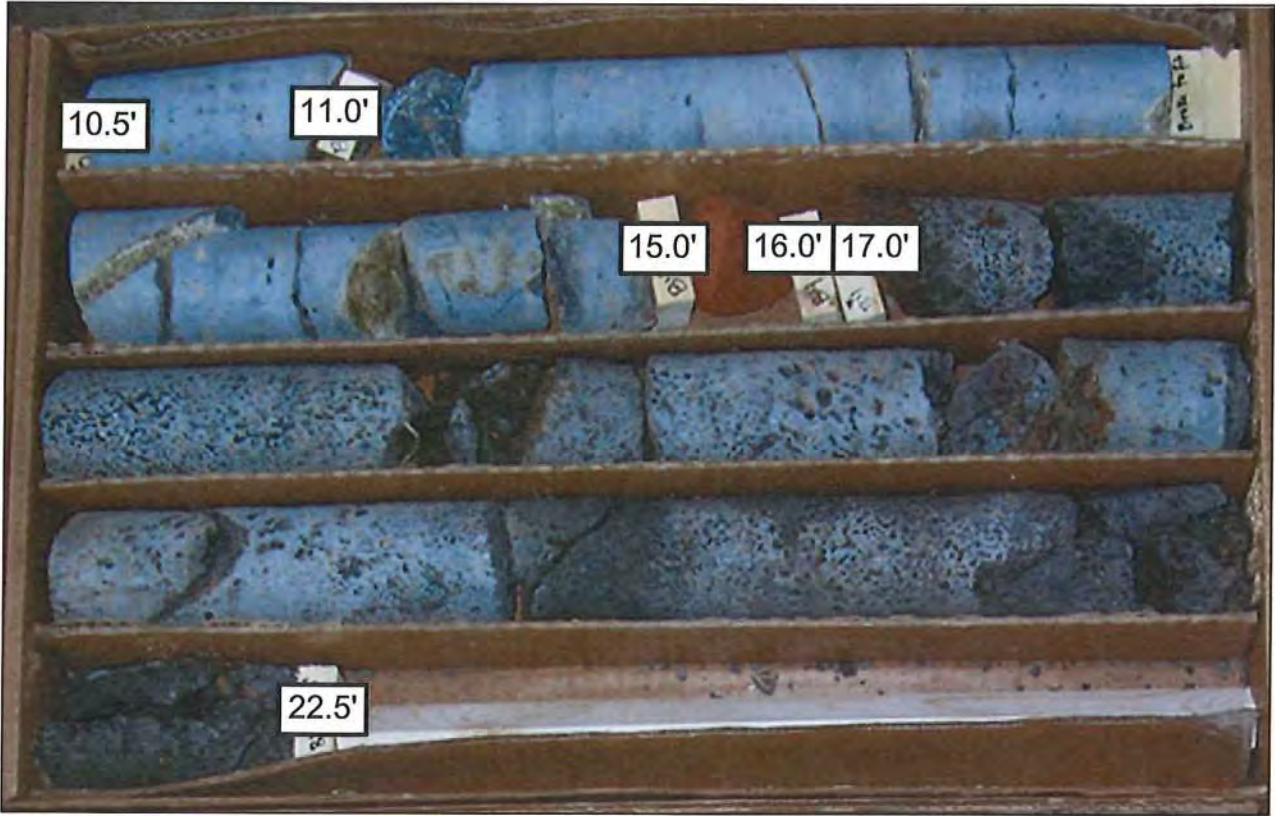
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 35a**

Boring 4: 10.5'-22.5'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 35b**



## Boring 5: 3.0'-11.0'



### ROCK CORE PHOTOGRAPH

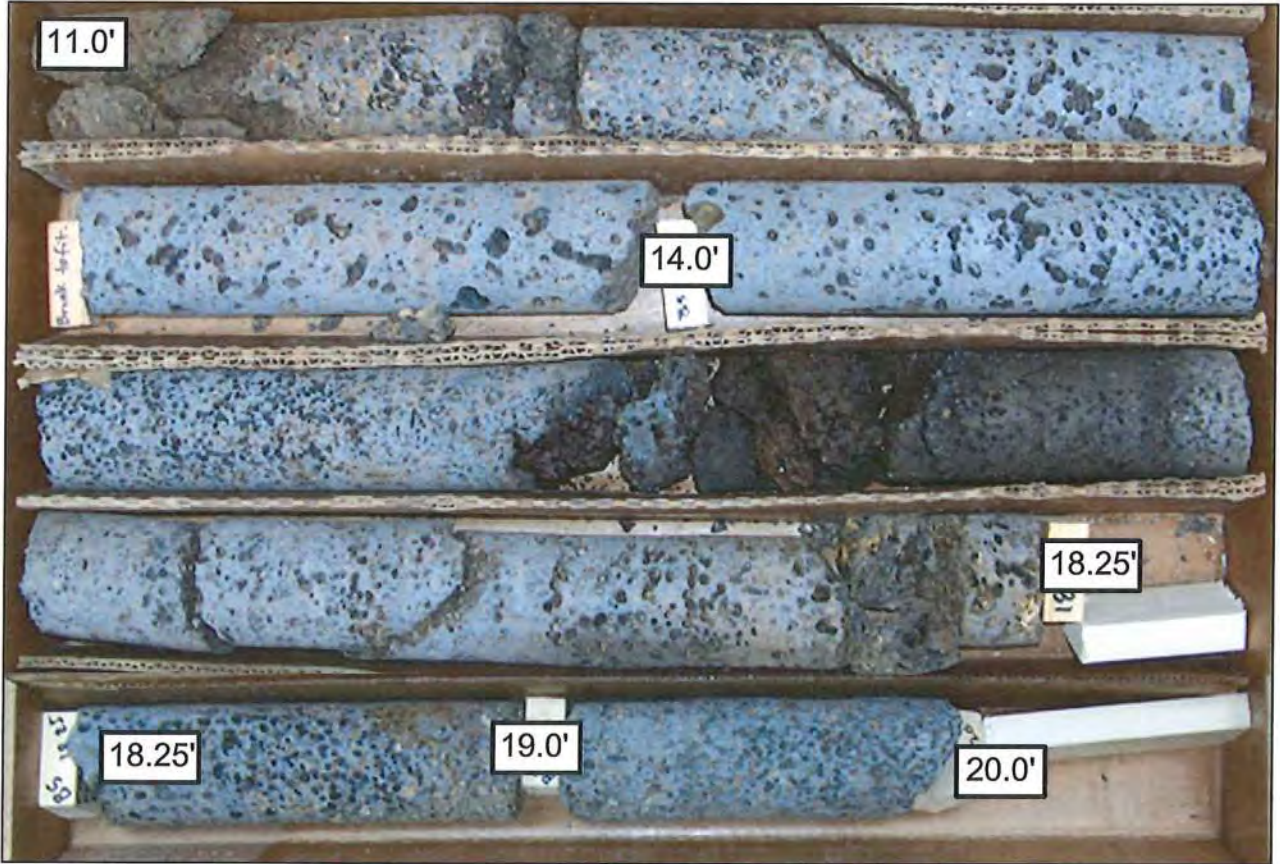
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 36a**

Boring 5: 11.0'-20.0'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

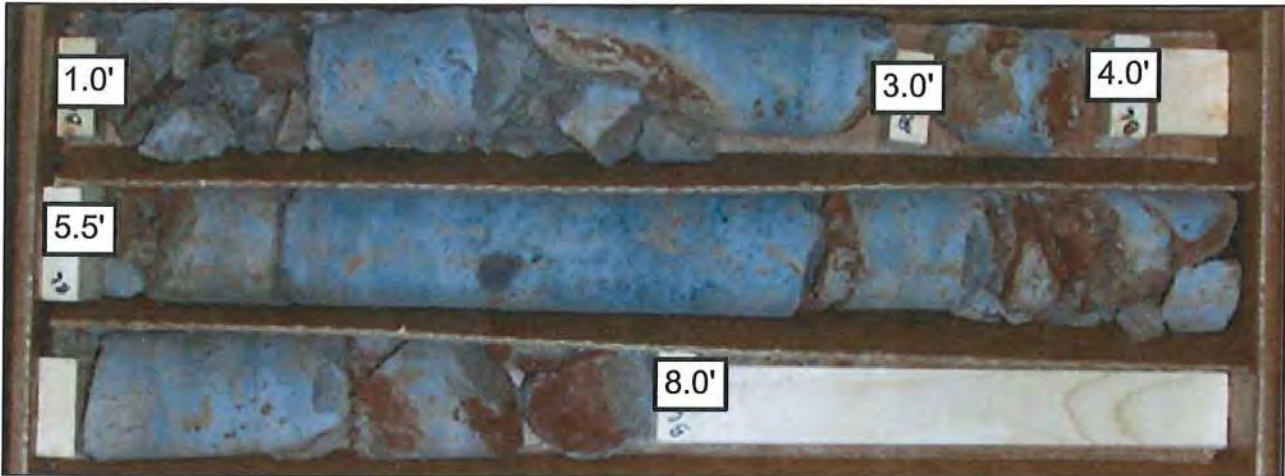
File: 3050.01

August 2011

**Figure 36b**



Boring 6: 1.0'-8.0'



**ROCK CORE PHOTOGRAPH**

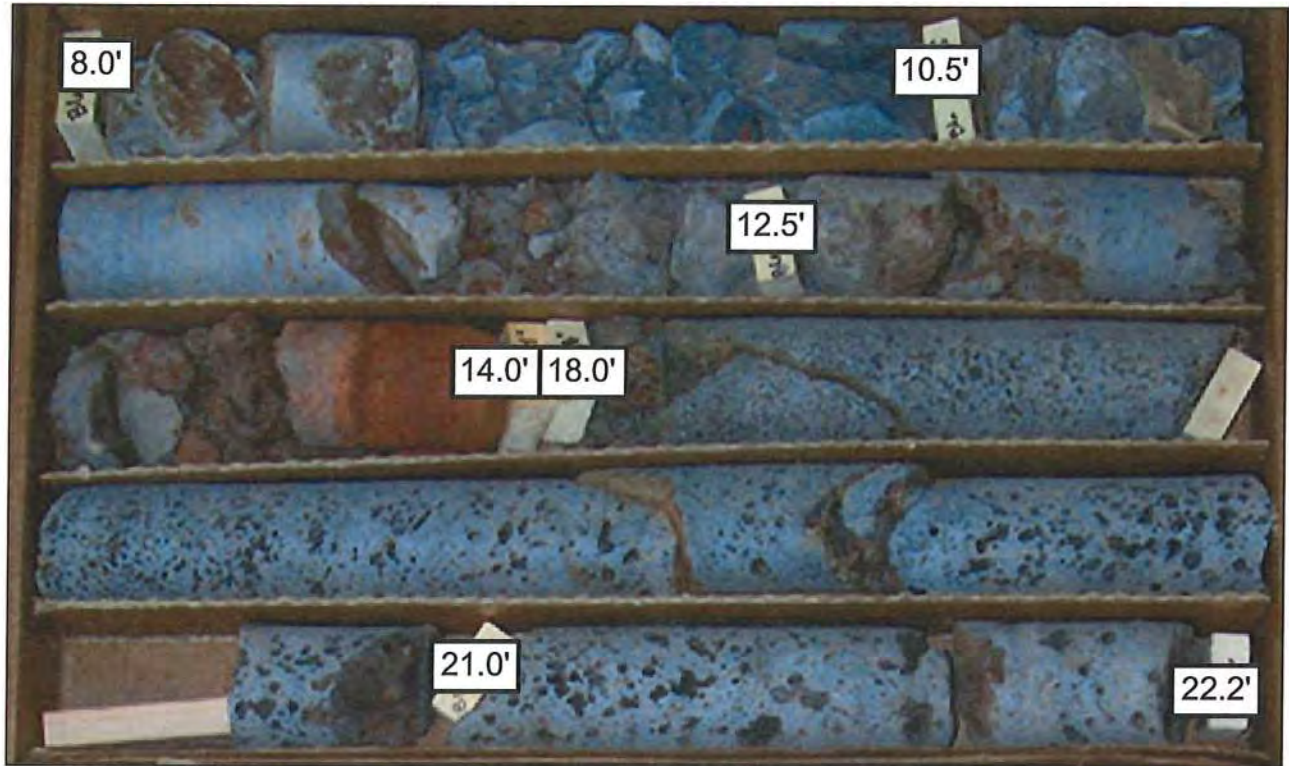
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 37a**

## Boring 6: 8.0'-22.2'



F.G.E.

### ROCK CORE PHOTOGRAPH

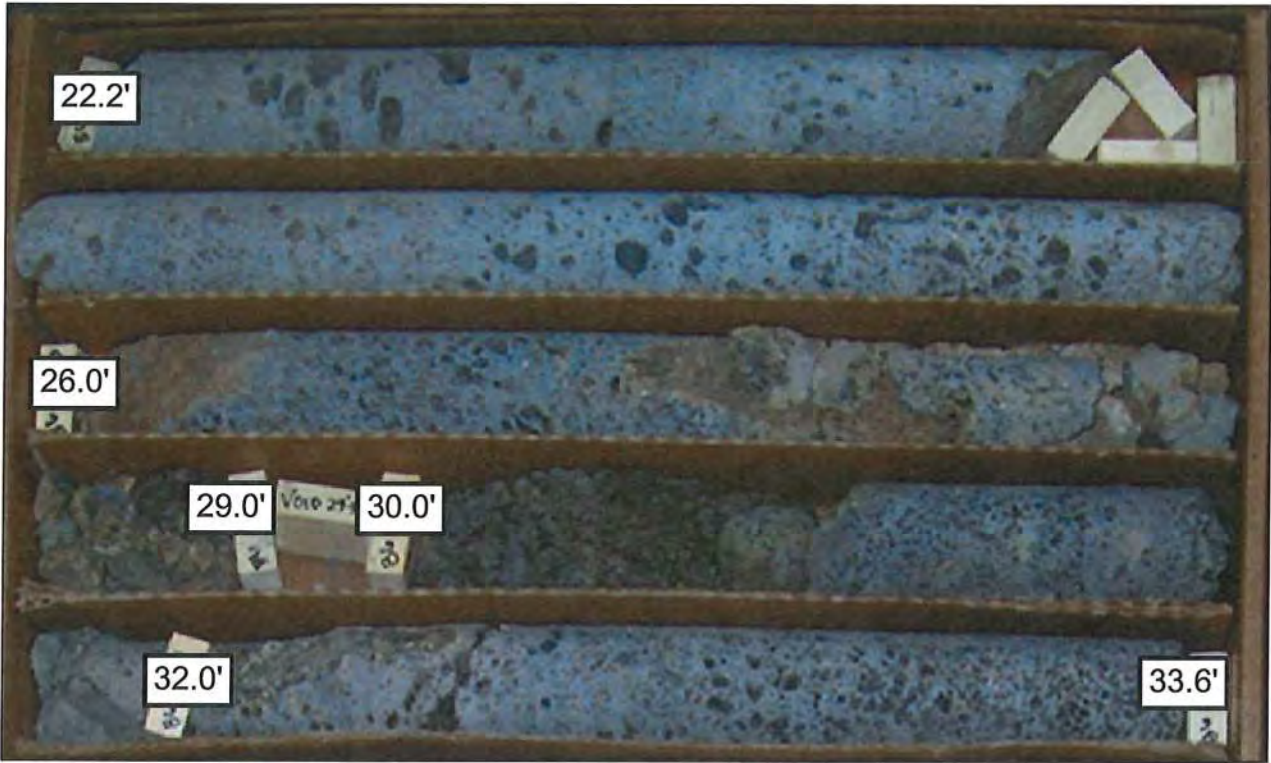
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 37b

Boring 6: 22.2'-33.6'



F.G.E.

**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

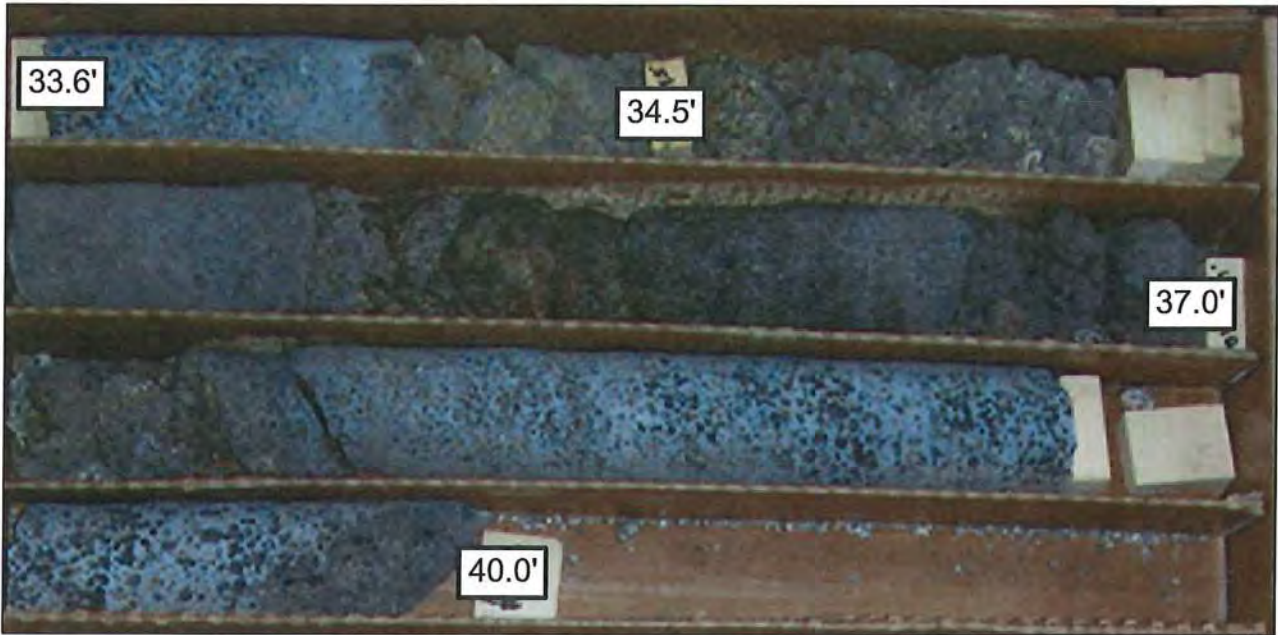
File: 3050.01

August 2011

**Figure 37c**



Boring 6: 33.6'-40.0'



**ROCK CORE PHOTOGRAPH**

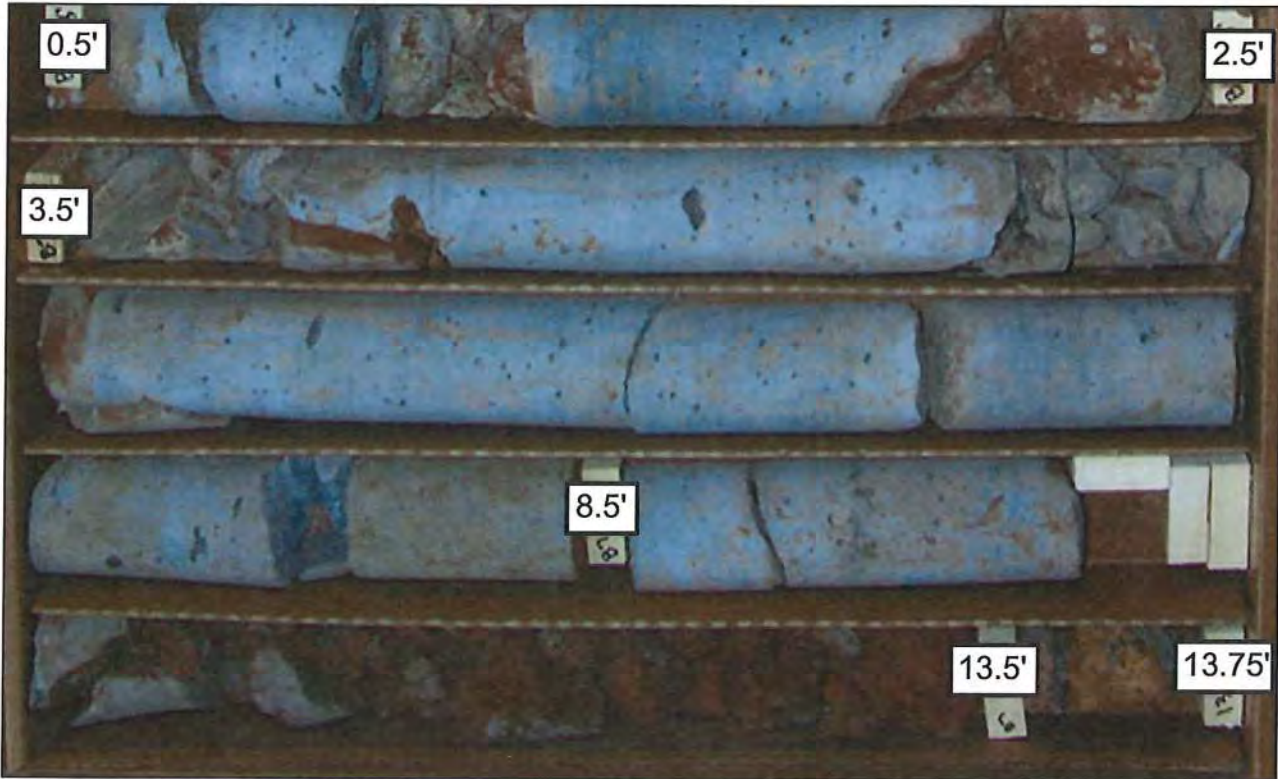
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 37d**

Boring 7: 0.5'-13.75'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

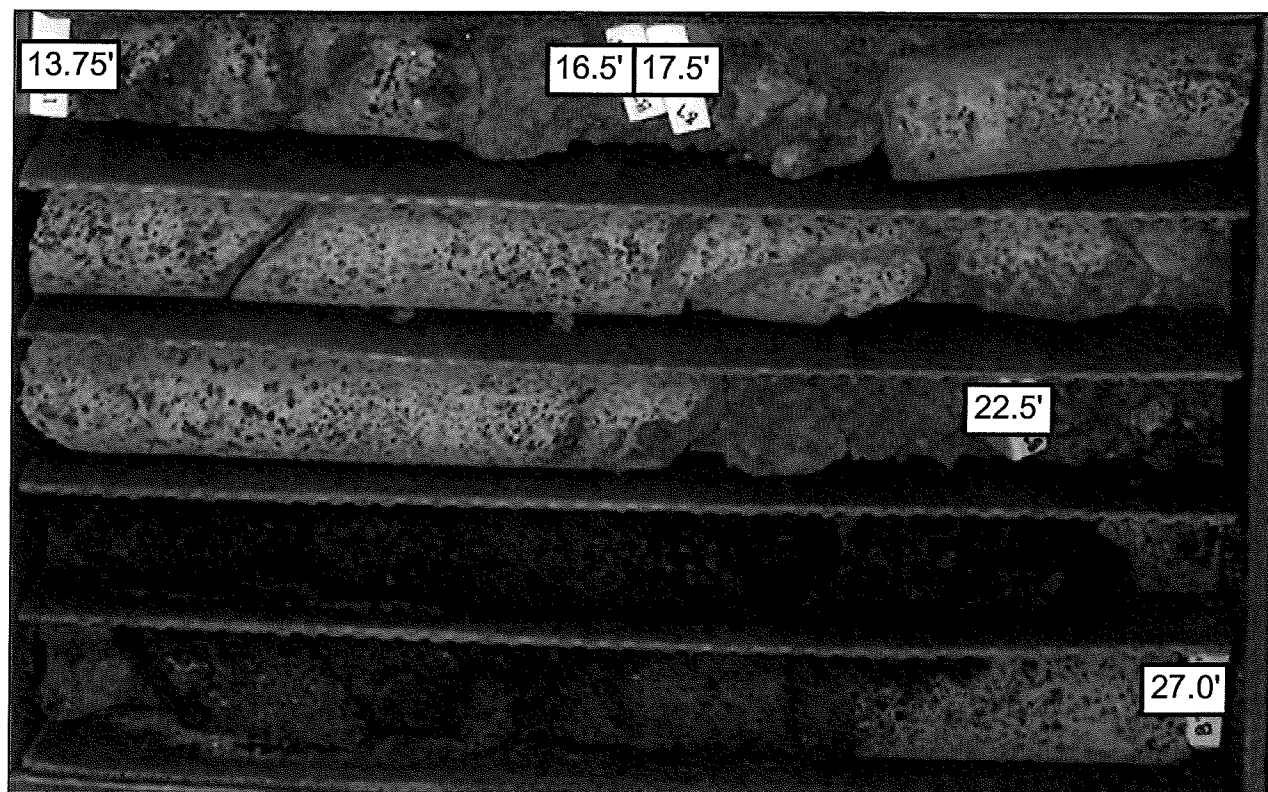
File: 3050.01

August 2011

**Figure 38a**



# Boring 7: 13.75'-27.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 38b

Boring 7: 27.0'-30.5'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 38c**

# Boring 8: 3.0'-12.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

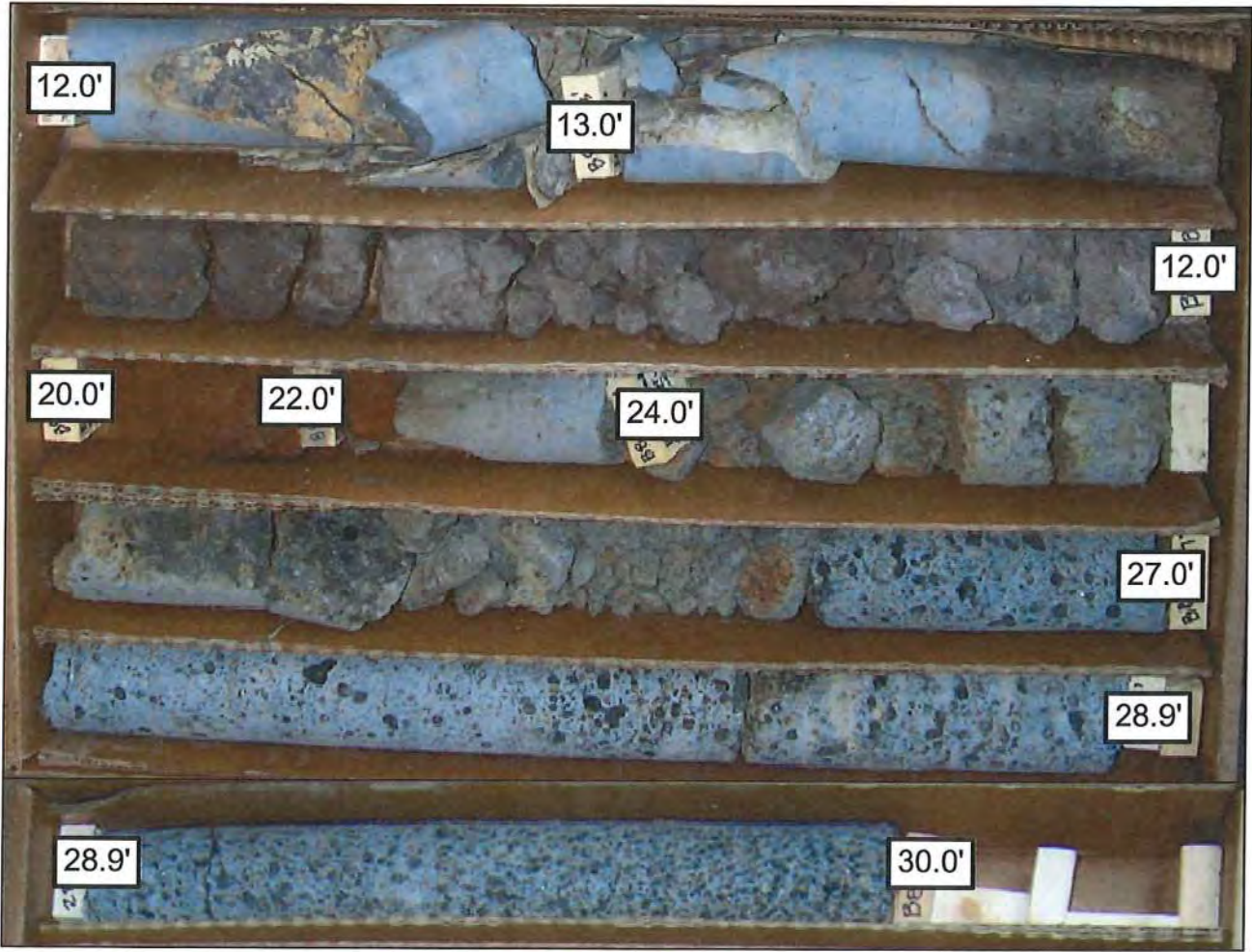
File: 3050.01

August 2011

Figure 39a



Boring 8: 12.0'-30.0'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 39b**

Boring 9: 6.0'-14.9'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

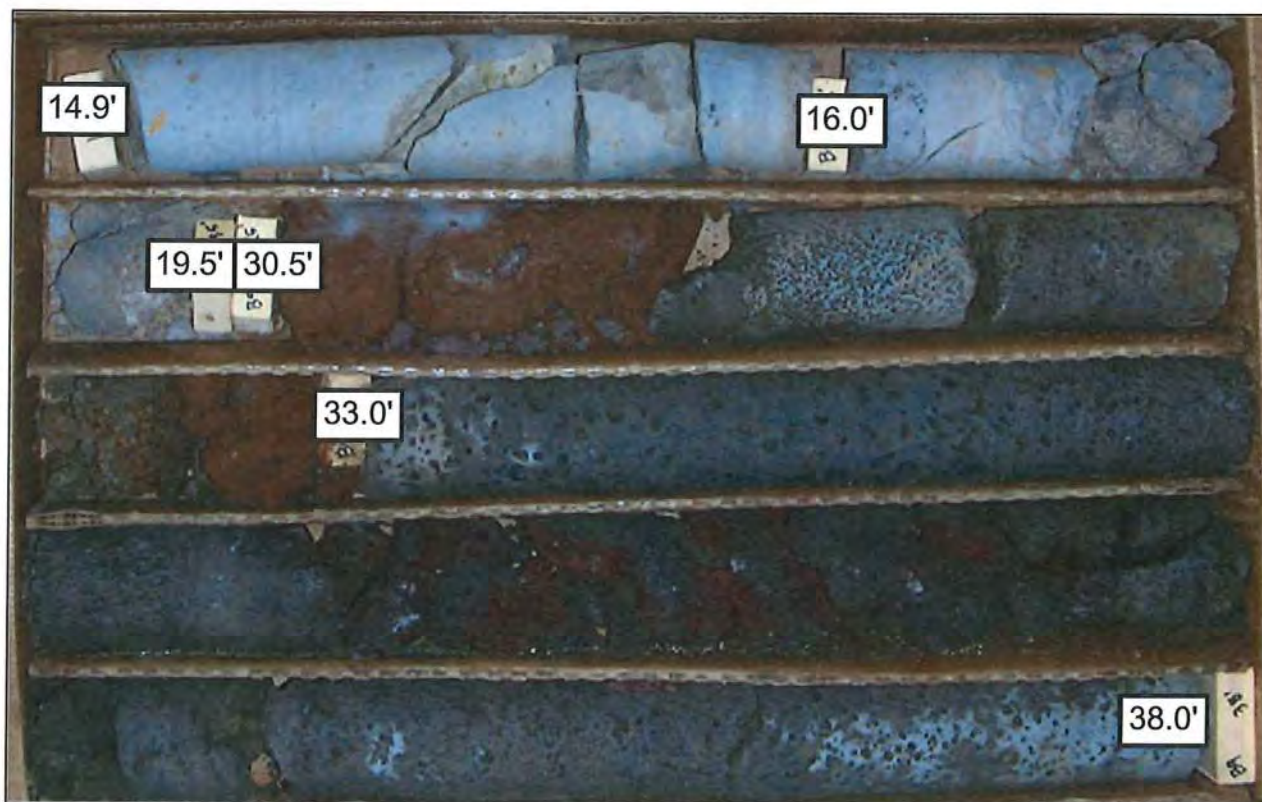
File: 3050.01

August 2011

**Figure 40a**



# Boring 9: 14.9'-38.0'



## ROCK CORE PHOTOGRAPH

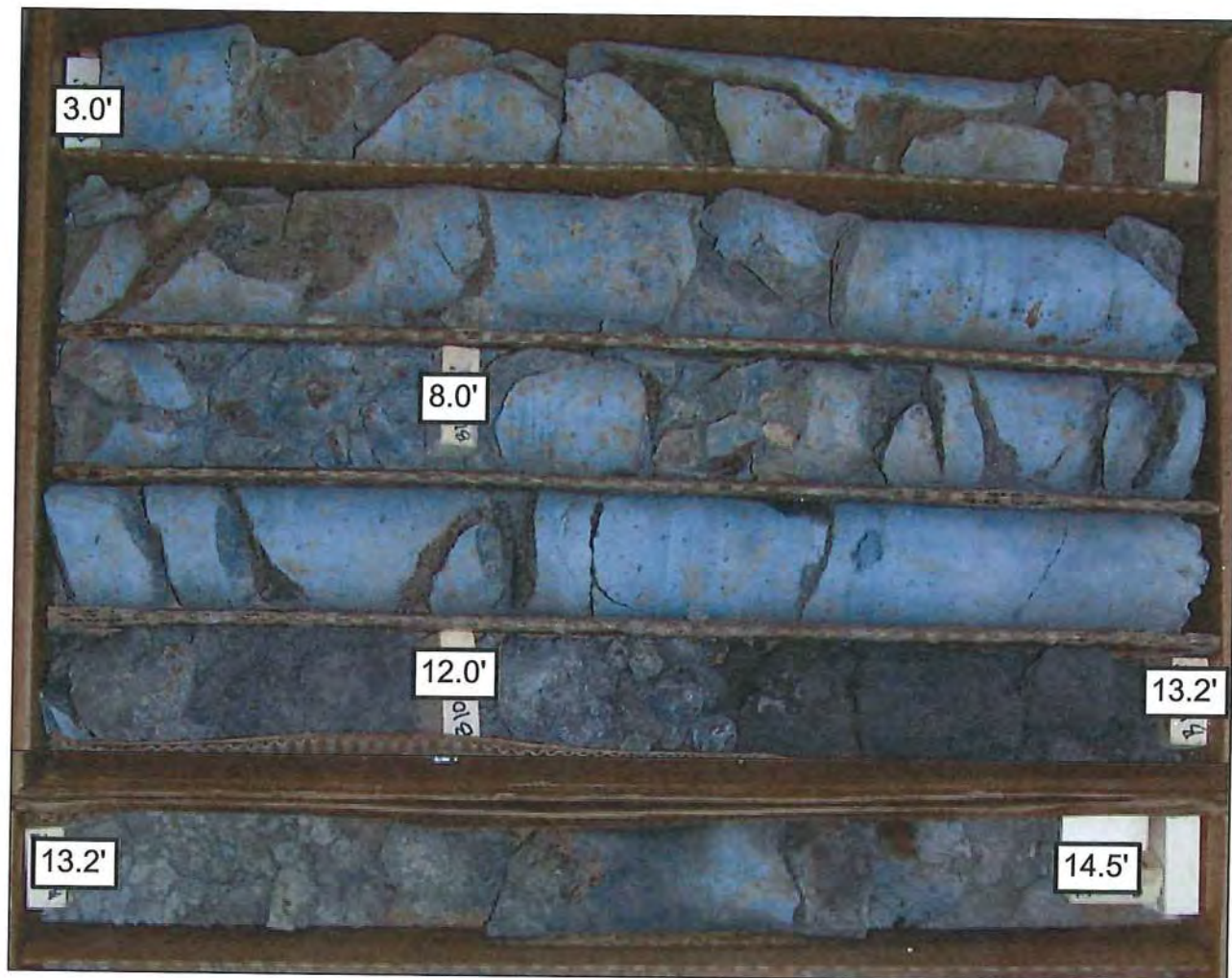
Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 40b

# Boring 10: 3.0'-14.5'



## ROCK CORE PHOTOGRAPH

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 41



Boring 11: 3.5'-22.5'



**ROCK CORE PHOTOGRAPH**

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 42**

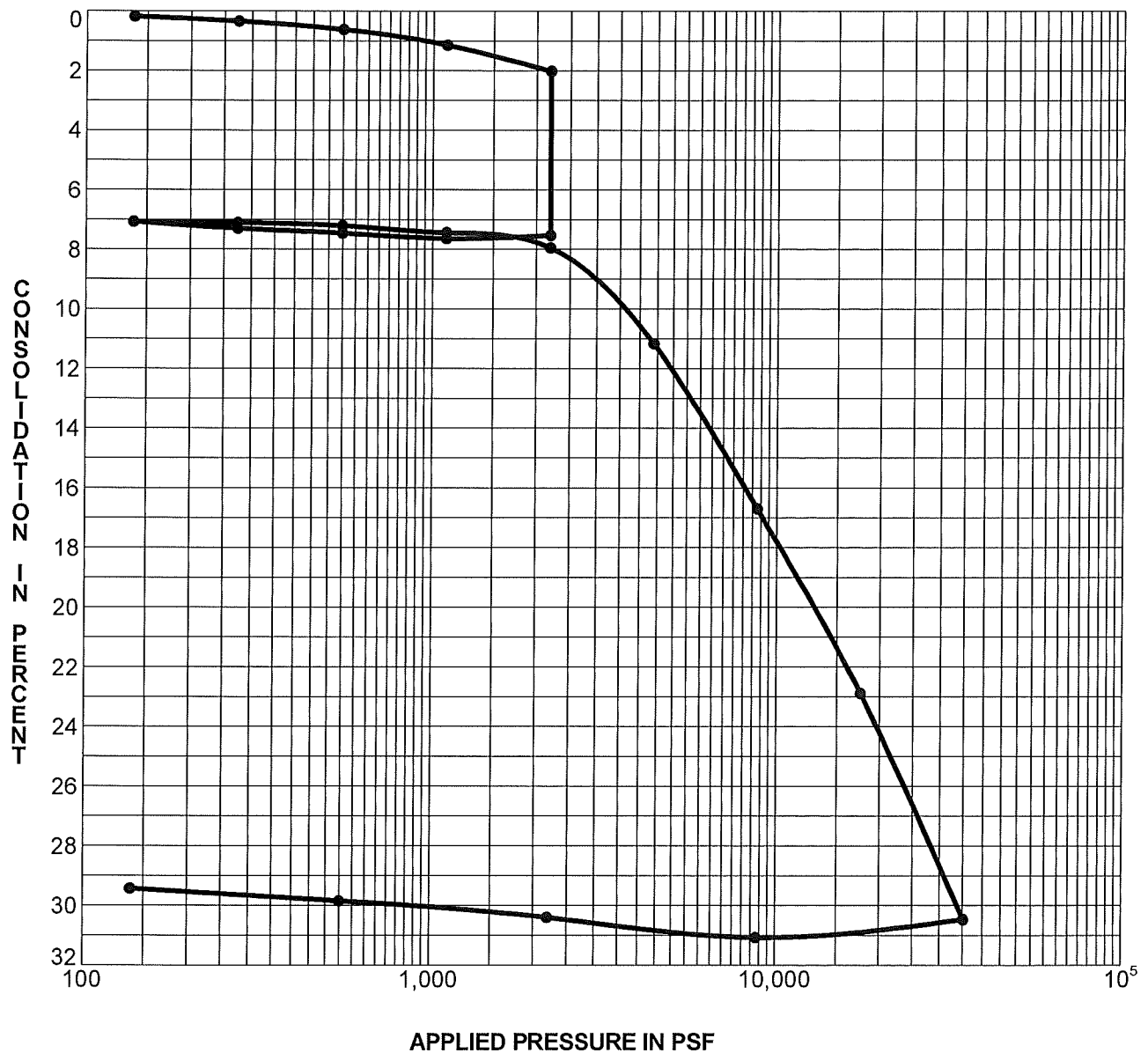
## **APPENDIX B**

### **Laboratory Testing Summary**

**Project Designation:** Piilani Promenade North Shopping Center **File:** 3050.01

**Location:** Kihei, Maui, Hawaii

	<u>Sample No.</u>	<u>Figure Designation</u>
<b><u>Consolidation Curves:</u></b>	1-1	43
	2A-5	44
	8-1	45
	9-1	46
	9A-6	47
	11-1	48
<b><u>California Bearing Ratio Curves:</u></b>	TP1-1	49
	TP4-1	50
	TP6-1	51
<b><u>Gradation Charts:</u></b>	9A-2	52
	TP1-1	53
	TP2-1	54
	TP4-1	55
<b><u>Plasticity Chart:</u></b>	8-4	56
	2A-2	56
	9A-6	56
	TP1-1	57
	TP4-1	57
	TP6-1	57
	TP9-2	57
<b><u>Summary of Boring Samples Laboratory Test Results:</u></b>		Table I
<b><u>Summary of Test Pit Samples Laboratory Test Results:</u></b>		Table II
<b><u>Summary of Basalt Rock Unconfined Compressive Tests:</u></b>		Table III



Sample Identification	Depth (feet)	Classification	LL	PI
1 - 1	1.0	Reddish Brown SILT (ML)		



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## CONSOLIDATION CURVE

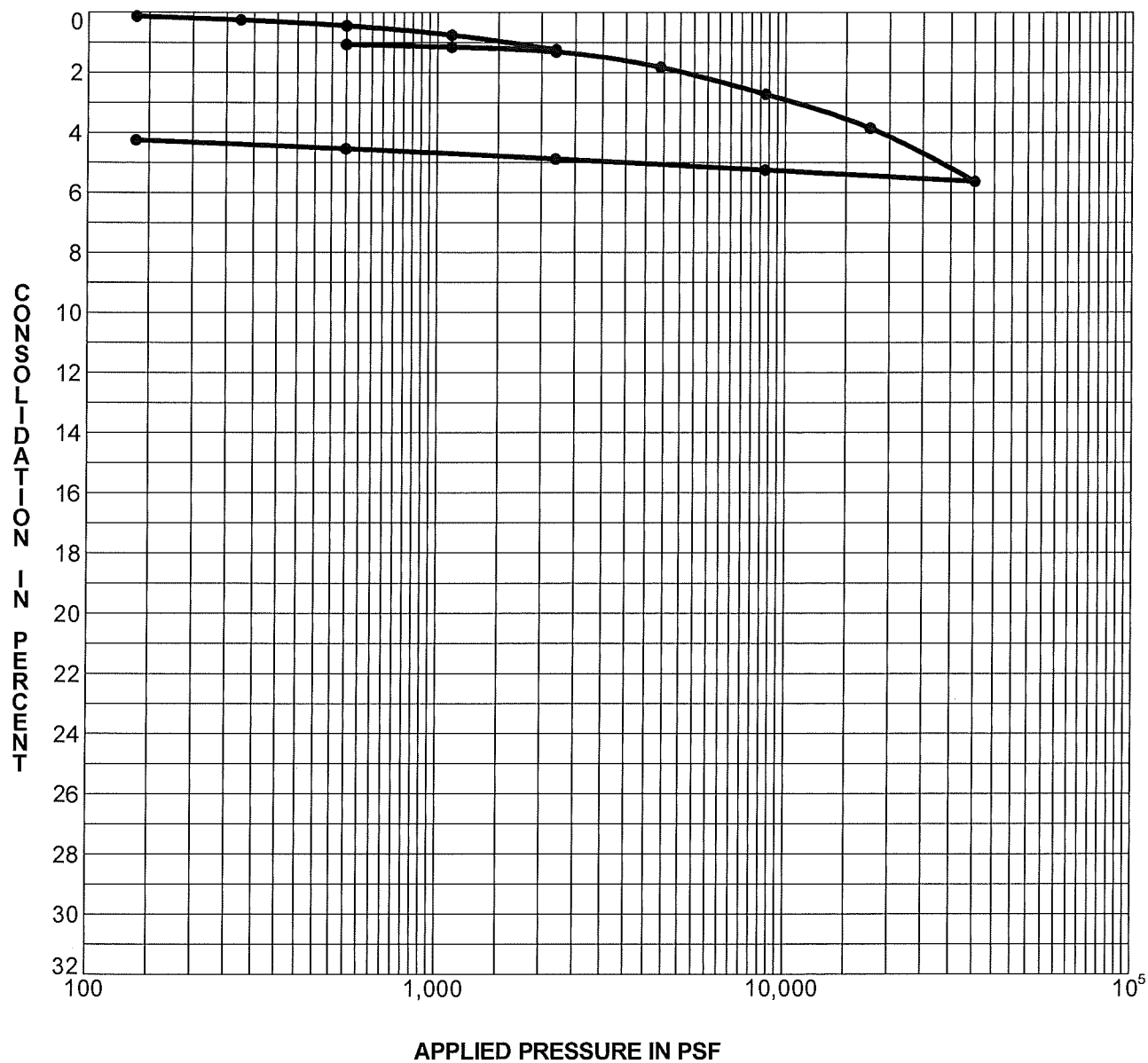
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 43



Sample Identification	Depth (feet)	Classification	LL	PI
2A - 5	21.0	Reddish Brown SILT (MH)		



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## CONSOLIDATION CURVE

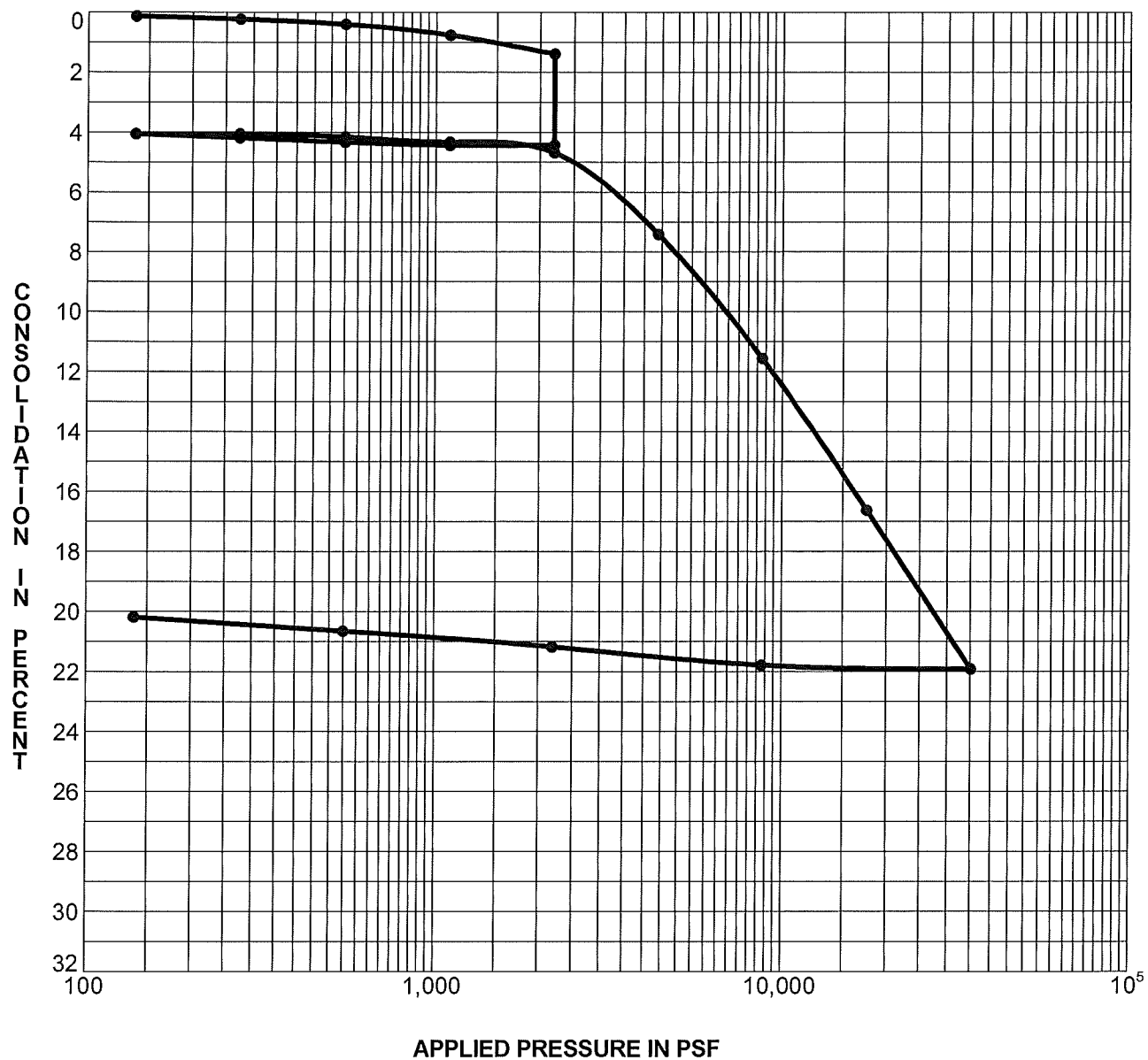
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

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Figure 44



Sample Identification	Depth (feet)	Classification	LL	PI
8 - 1	1.0	Light Brown SILT (ML)		



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## CONSOLIDATION CURVE

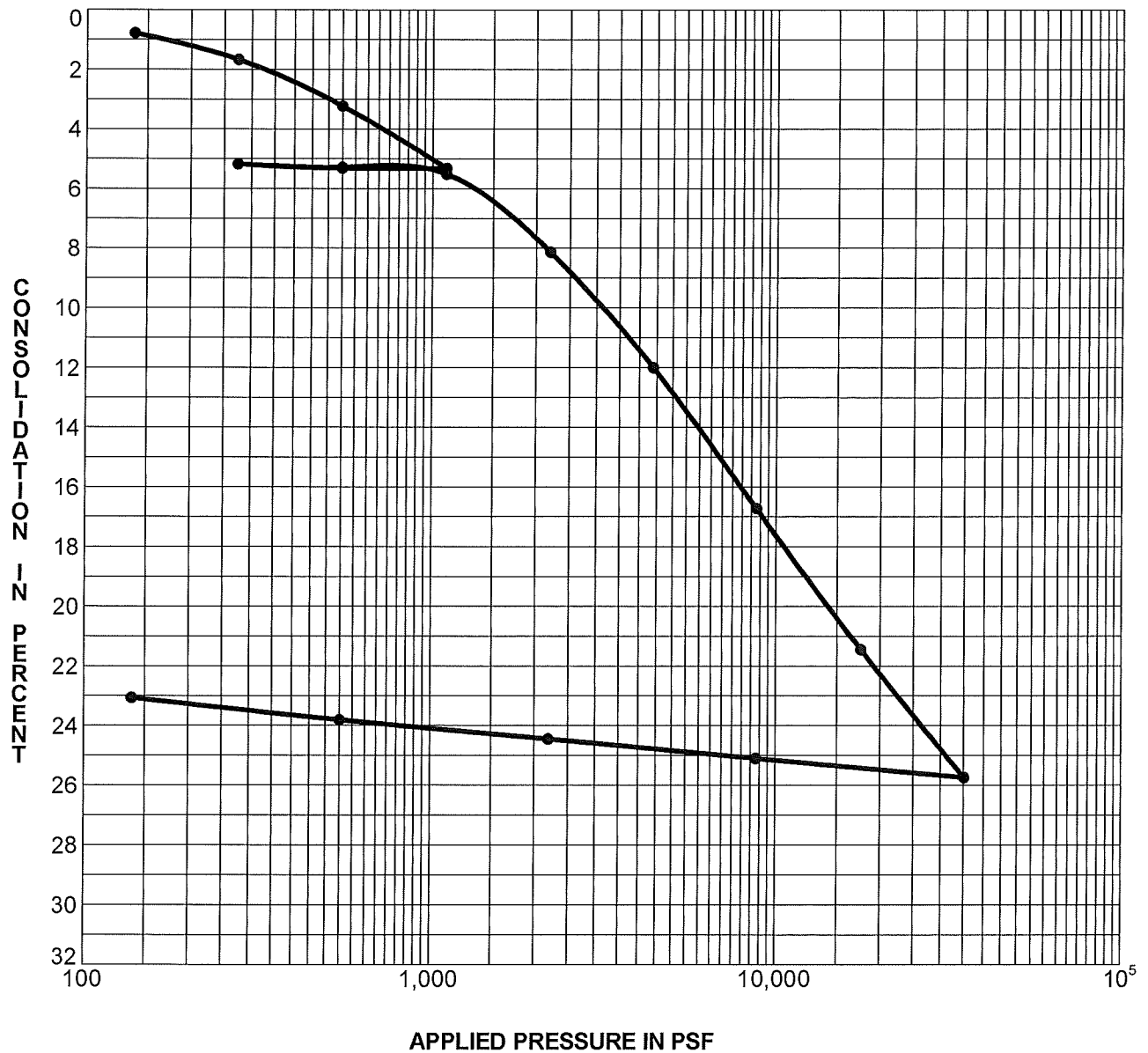
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 45**



Sample Identification	Depth (feet)	Classification	LL	PI
9 - 1	1.0	Light Brown SILT (ML)		



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## CONSOLIDATION CURVE

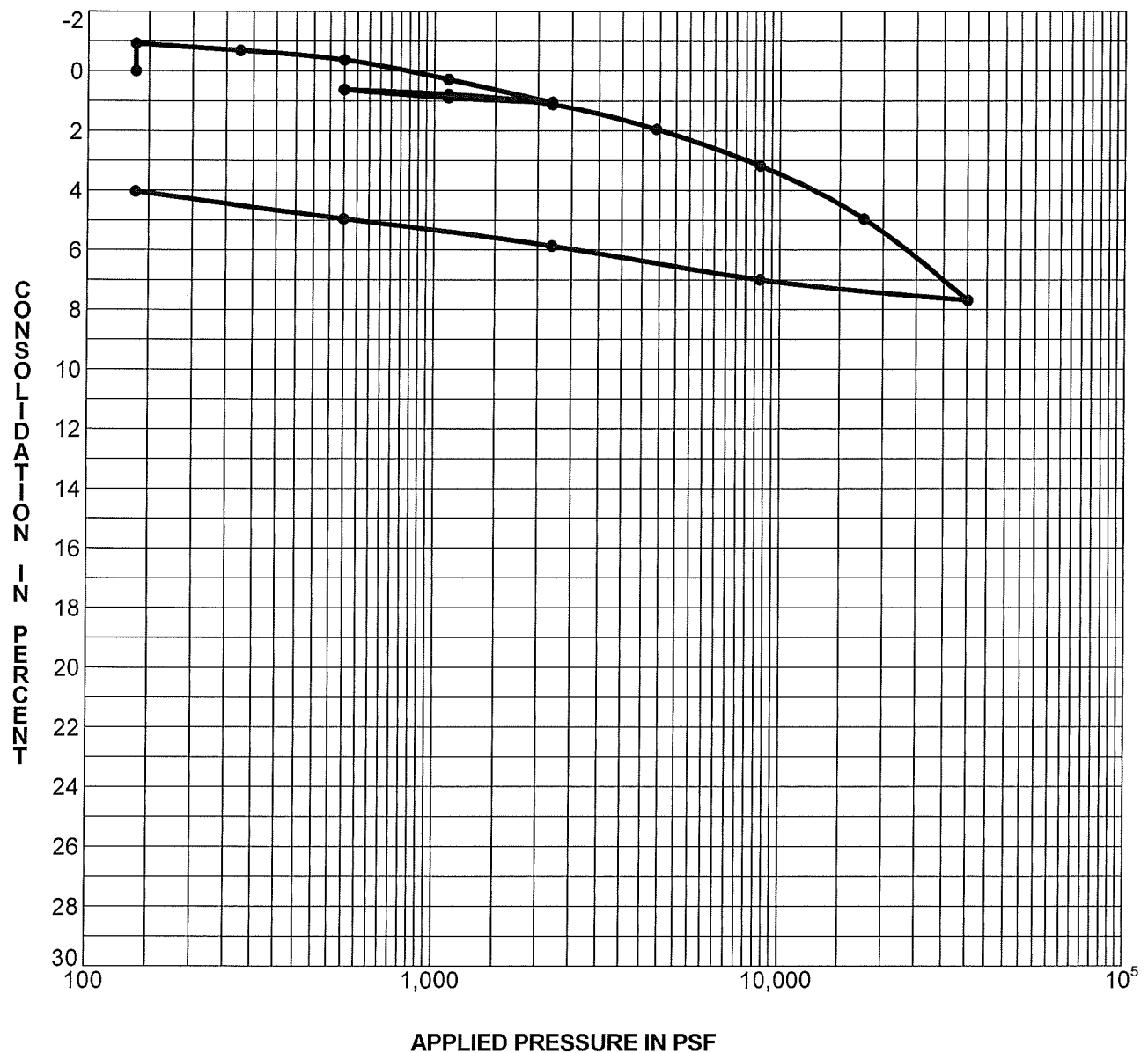
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 46**



Sample Identification	Depth (feet)	Classification	LL	PI
9A - 6	25.0	Reddish Brown SILT (MH)	115	41



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## CONSOLIDATION CURVE

Piilani Promenade North Shopping Center

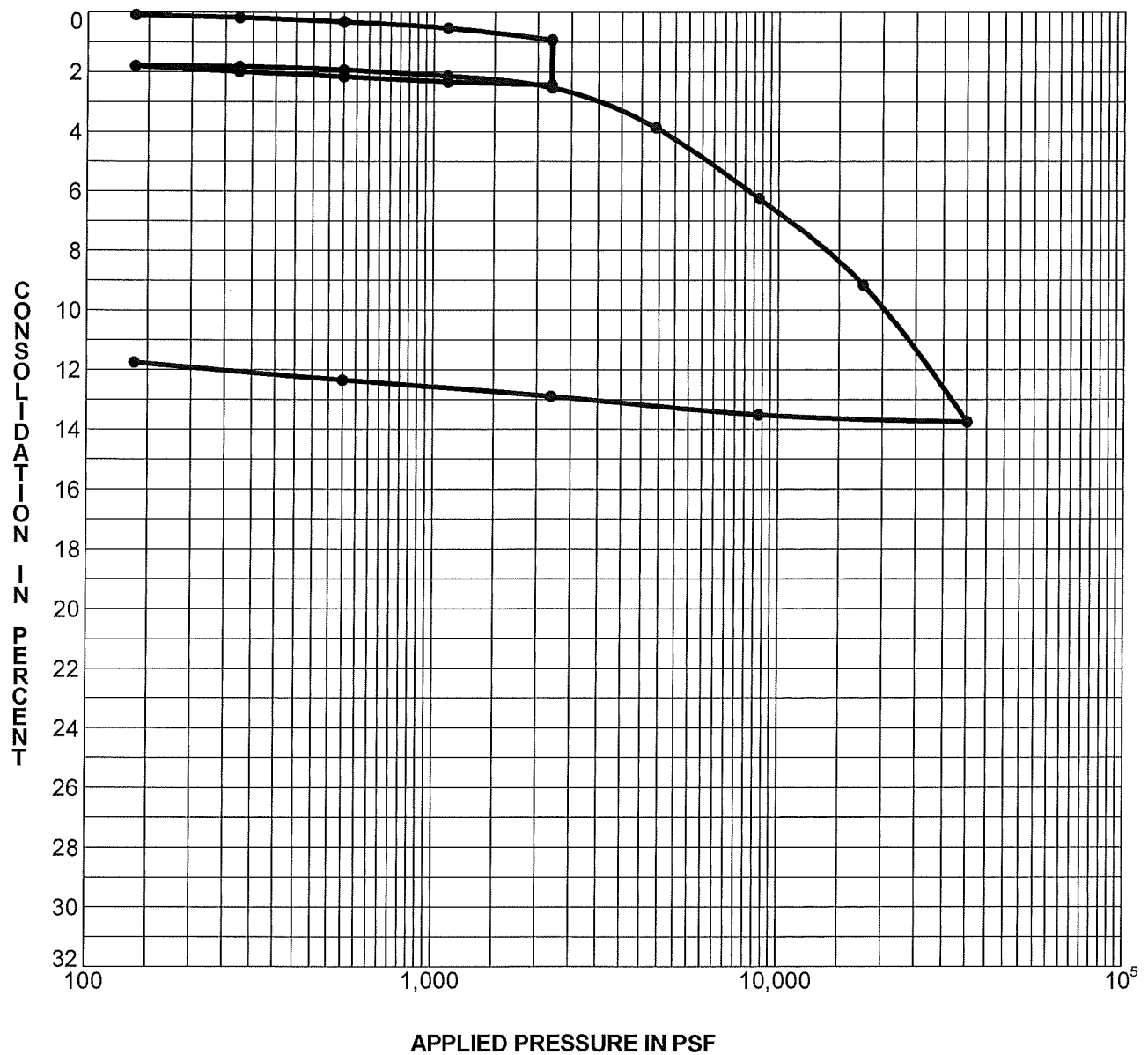
Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 47**





Sample Identification	Depth (feet)	Classification	LL	PI
11 - 1	1.0	Light Brown/Gray SILT (ML)		



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## CONSOLIDATION CURVE

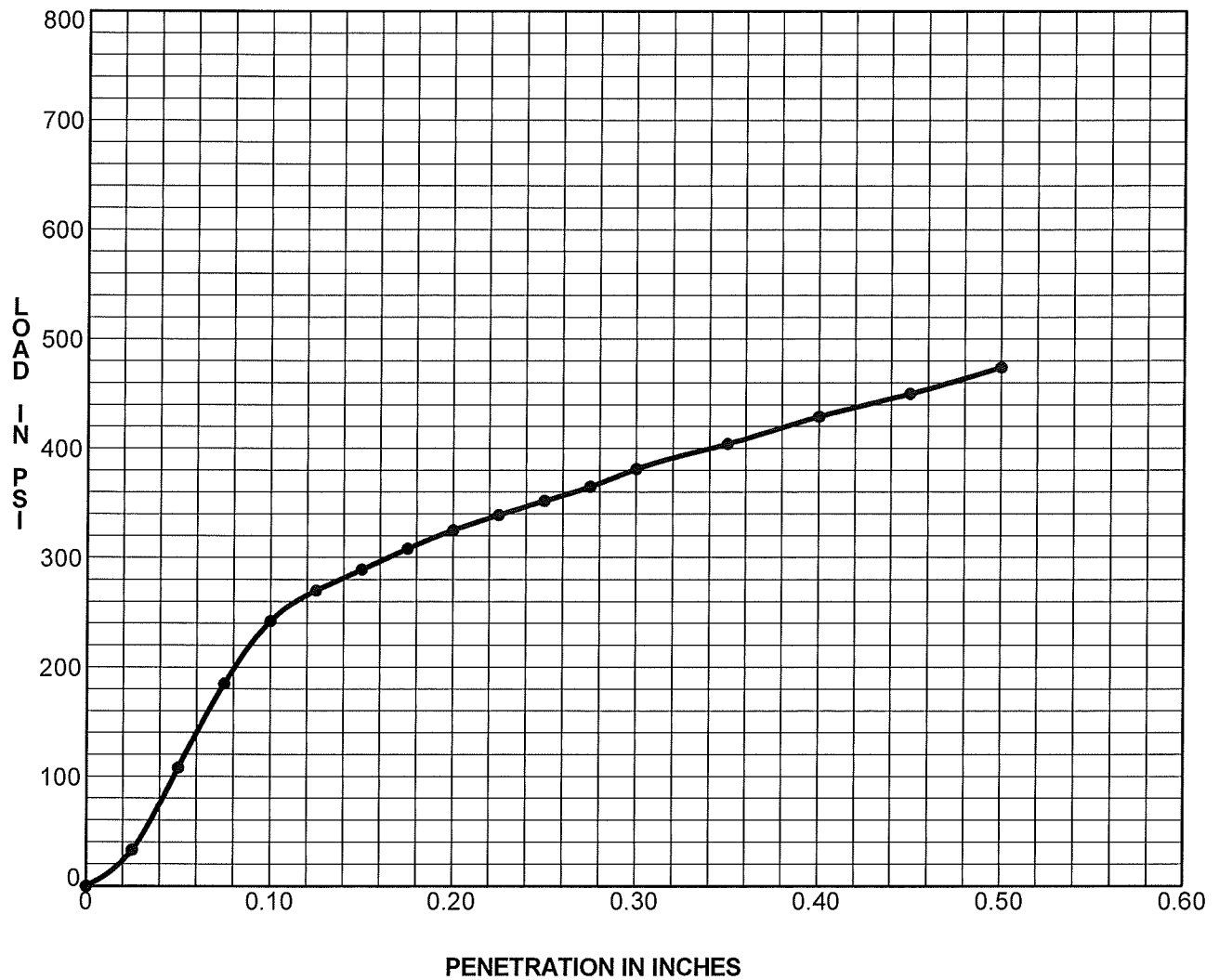
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 48**



Sample Identification	Classification	CBR	% Comp	Max. Den.	Opt. % MC	% Swell	LL	PI
● TP1 - 1	Light Brown SILT (ML)	26.5	97	104.0	21.0	1.6	39	12



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## CALIFORNIA BEARING RATIO

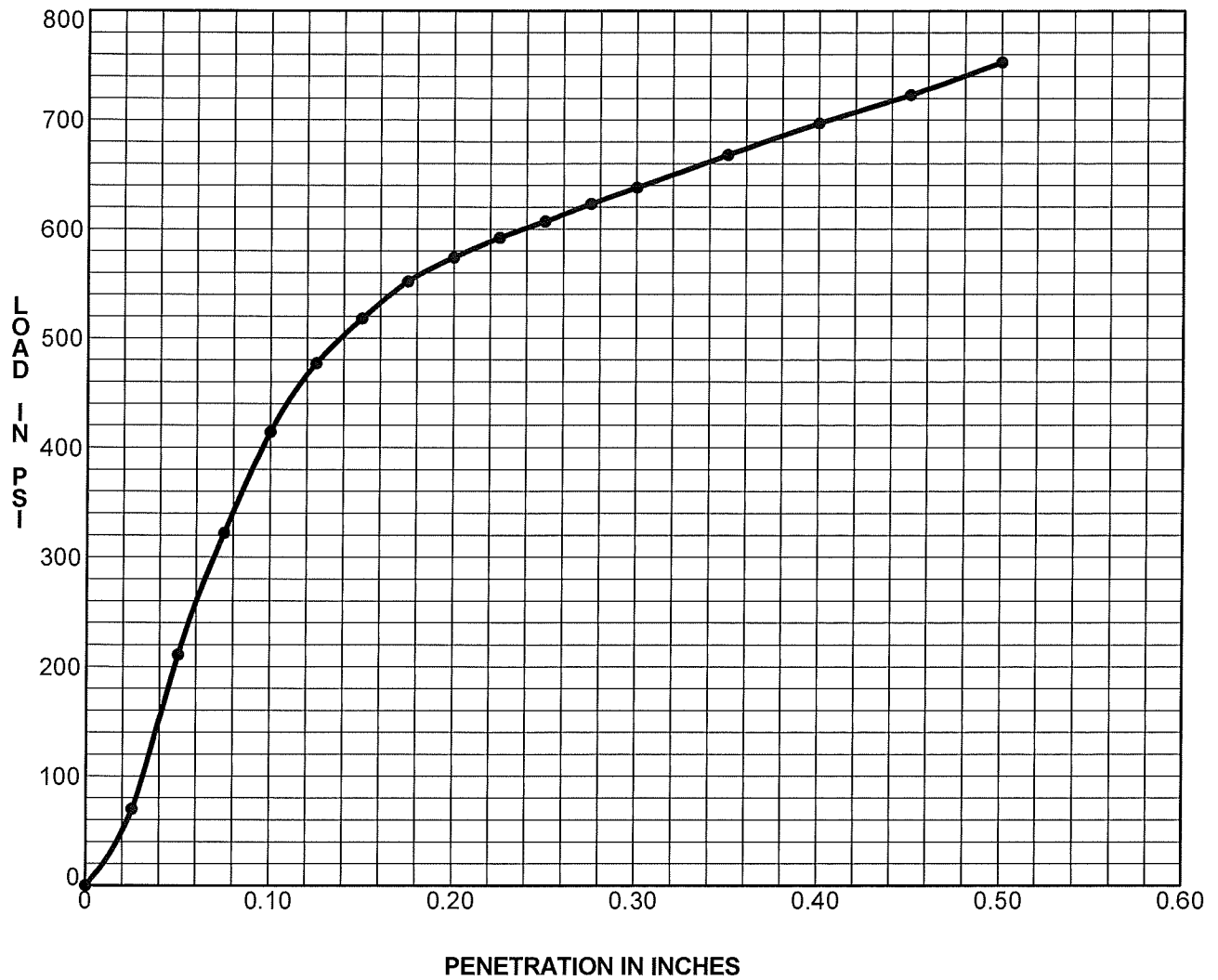
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 49**



Sample Identification	Classification	CBR	% Comp.	Max Den.	Opt. % MC	% Swell	LL	PI
● TP4 - 1	Light Brown Sandy SILT (ML-MH)	43.8	98	92.0	30.0	0.4	50	15



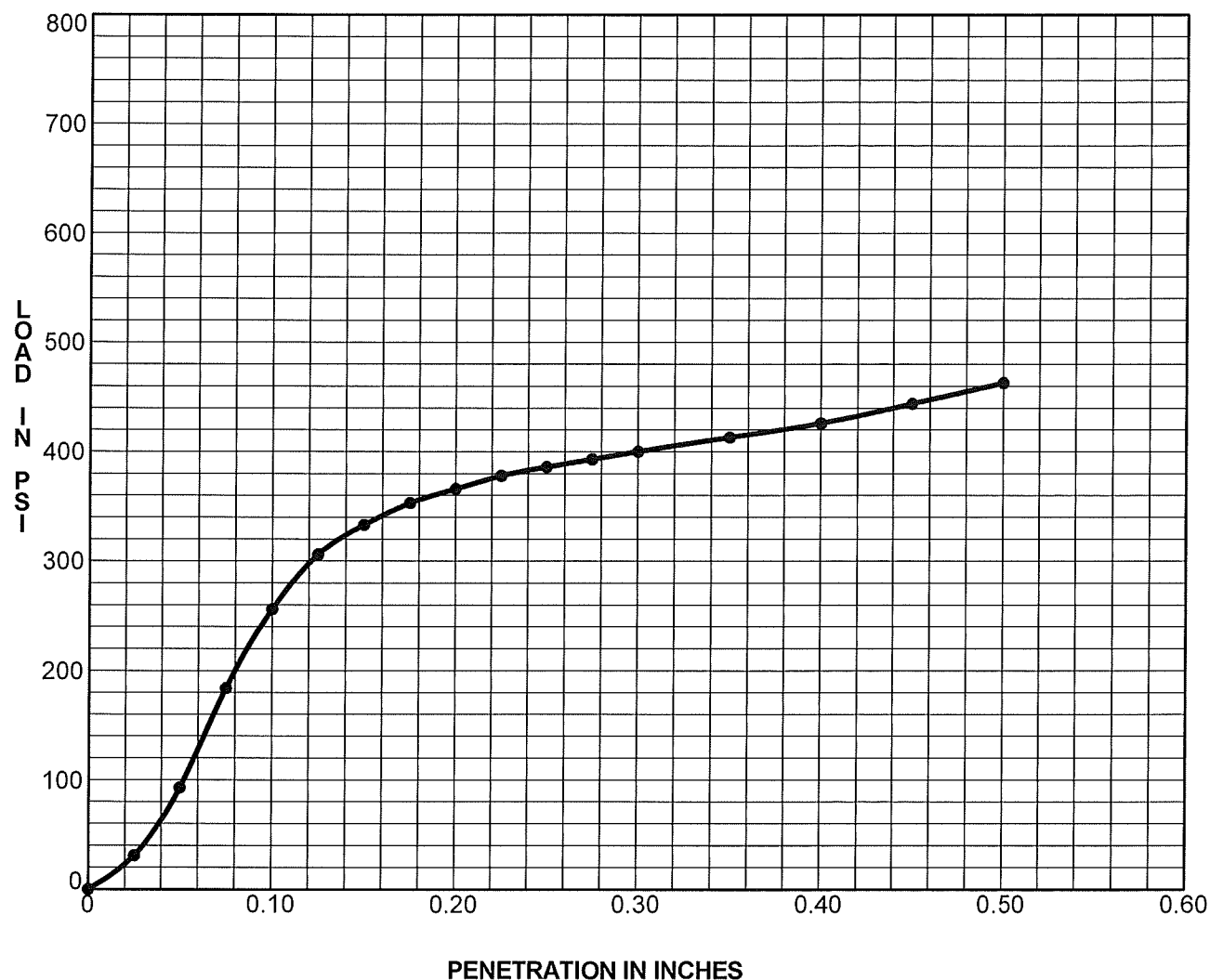
F.G.E. Ltd.

**CALIFORNIA BEARING RATIO**  
 Piilani Promenade North Shopping Center  
 Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 50**



Sample Identification	Classification	CBR	% Comp	Max Den	Opt. % MC	% Swell	LL	PI
● TP6 - 1	Light Brown SILT (ML)	30.0	95	97.0	25.0	1.4	48	17



F.G.E. Ltd.

## CALIFORNIA BEARING RATIO

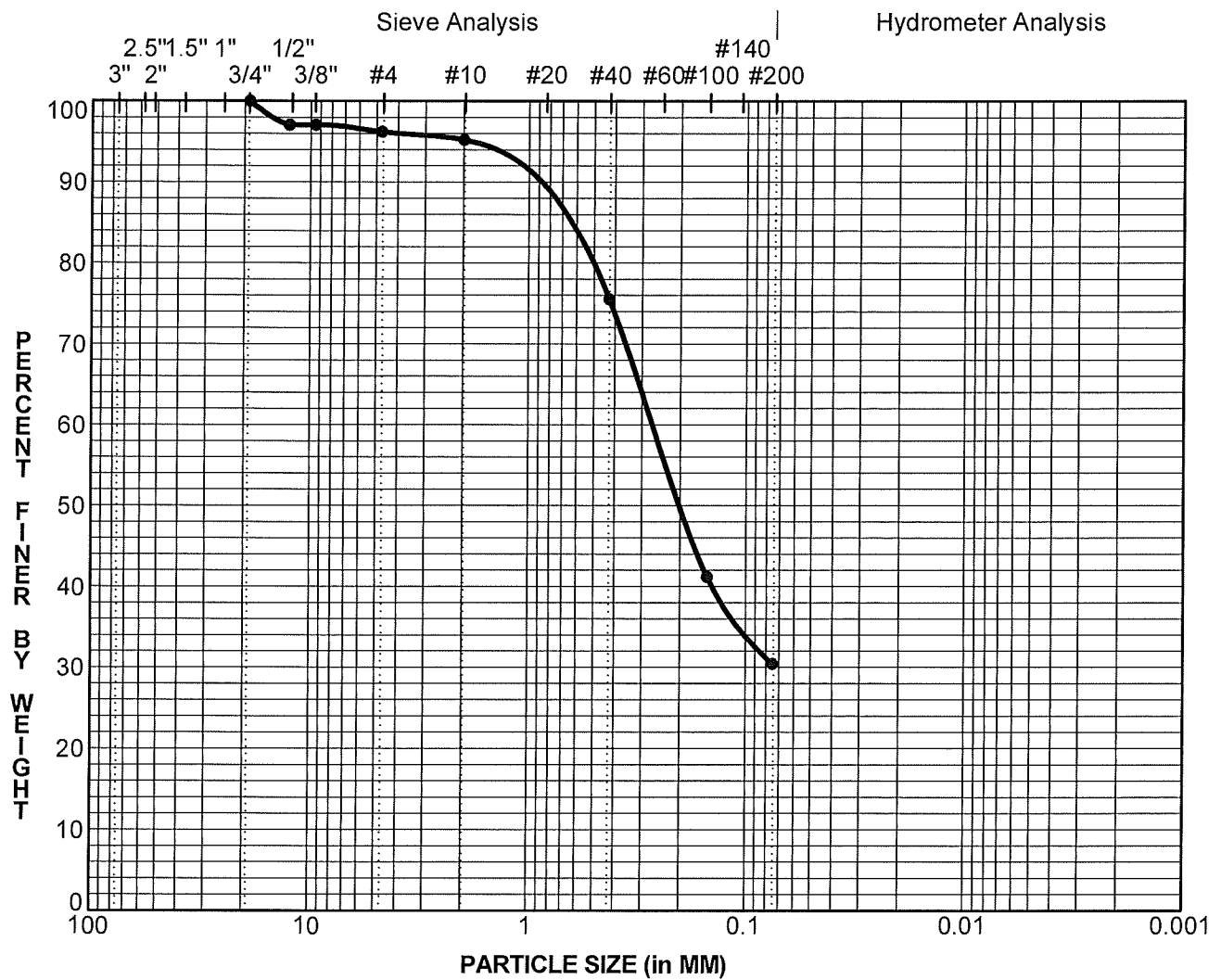
Piilani Promenade North Shopping Center

Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 51



Gravel		Sand			Silt and Clay
coarse	fine	coarse	medium	fine	

Sample ID	Depth	Classification	MC%	LL	PL	PI	Cc	Cu
● 9A - 2	19.0	Reddish Brown Silty SAND (SM)	28					

Sample ID	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt & Clay
● 9A - 2	19.0	19.0	0.3			4	66	30



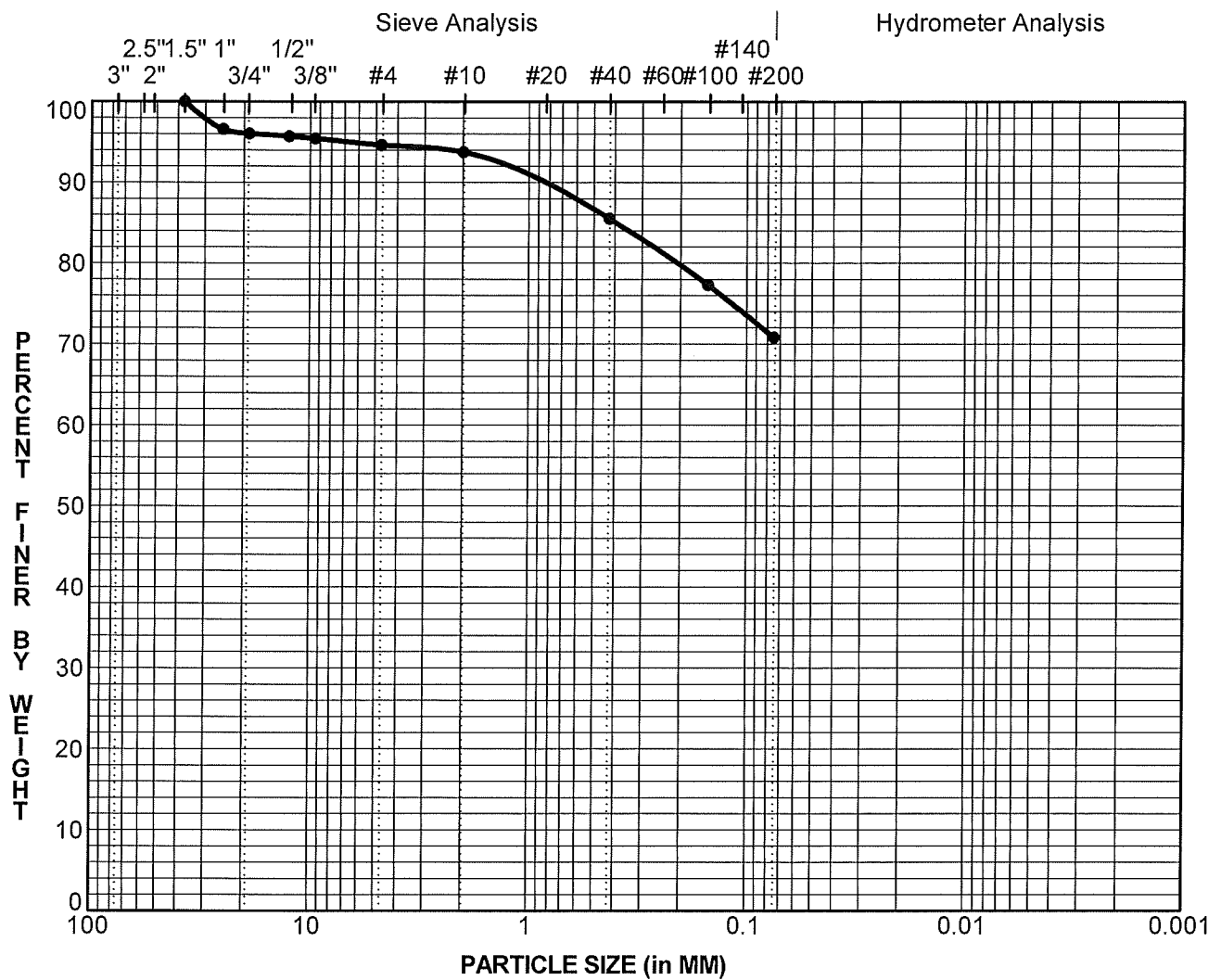
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**GRAIN SIZE DISTRIBUTION**  
 Piilani Promenade North Shopping Center  
 Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 52**



Gravel		Sand			Silt and Clay
coarse	fine	coarse	medium	fine	

Sample ID	Depth	Classification	MC%	LL	PL	PI	Cc	Cu
● TP1 - 1	1.0	Light Brown SILT (ML)	21	39	27	12		

Sample ID	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt & Clay
● TP1 - 1	1.0	37.5				5	24	71



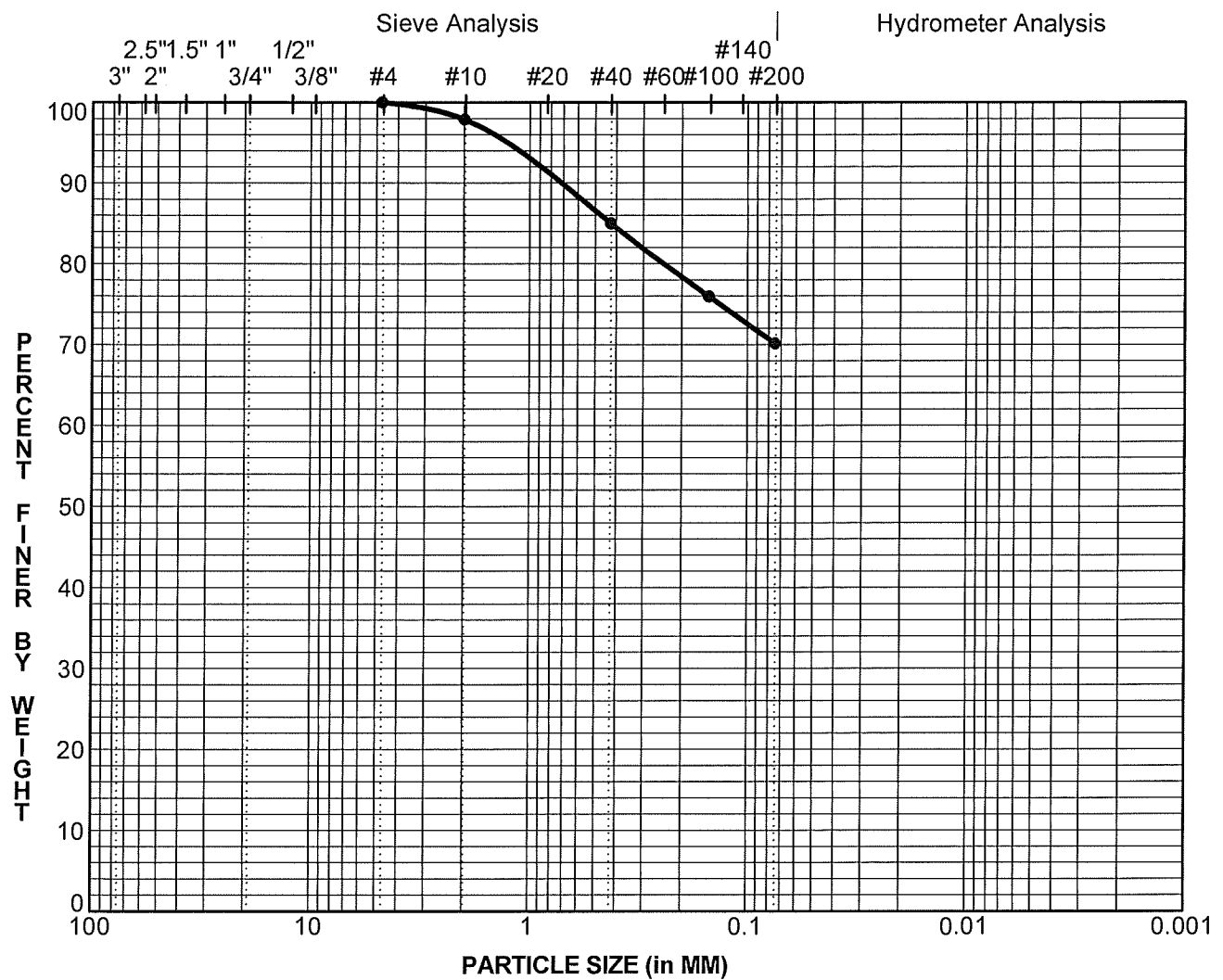
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**GRAIN SIZE DISTRIBUTION**  
 Piilani Promenade North Shopping Center  
 Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 53**



Gravel		Sand			Silt and Clay
coarse	fine	coarse	medium	fine	

Sample ID	Depth	Classification	MC%	LL	PL	PI	Cc	Cu
● TP2 - 1	1.5	Light Brown Clayey SILT (ML)	22					

Sample ID	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt & Clay
● TP2 - 1	1.5	4.8				0	30	70



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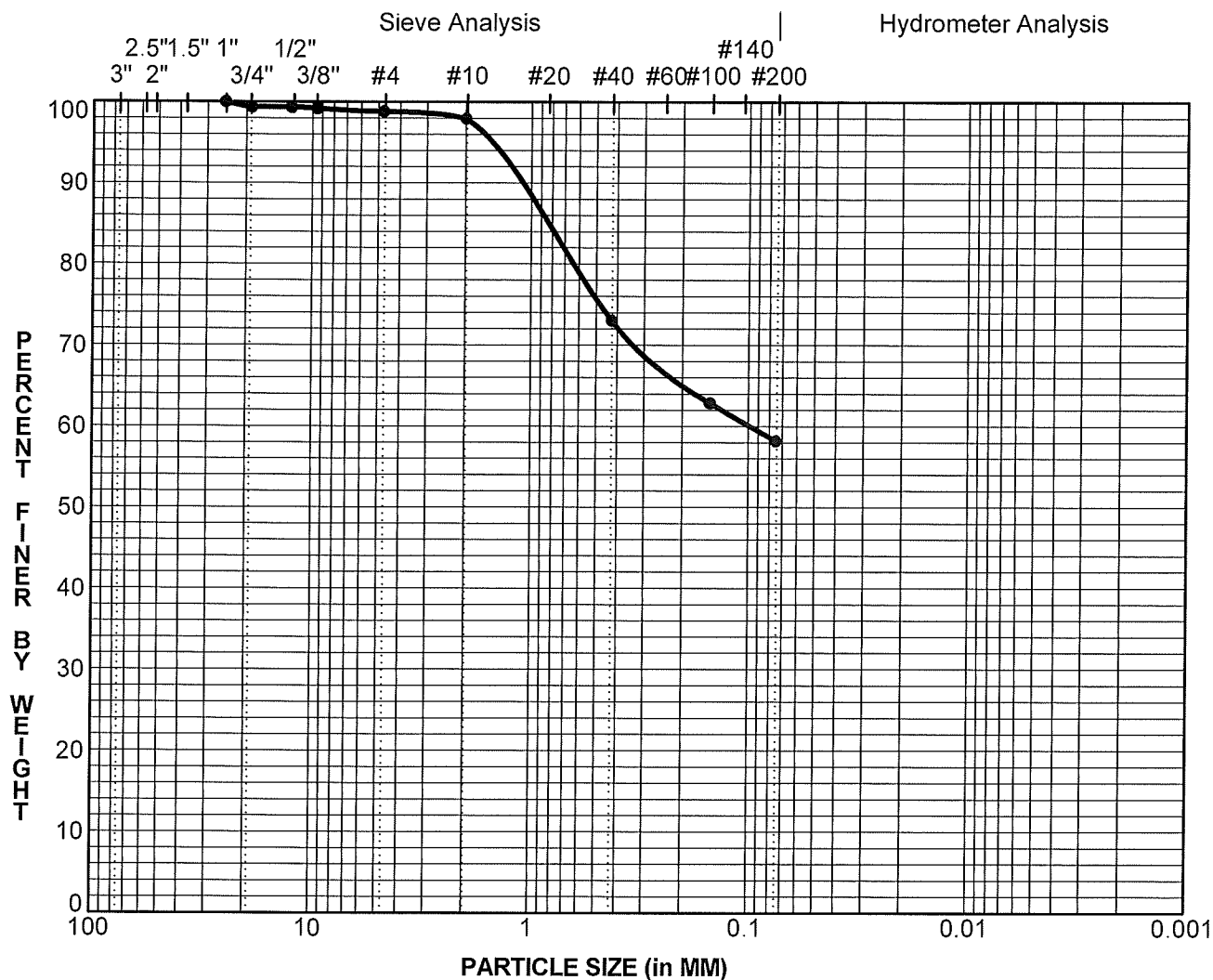
**GRAIN SIZE DISTRIBUTION**  
 Piilani Promenade North Shopping Center  
 Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 54**





Gravel		Sand			Silt and Clay
coarse	fine	coarse	medium	fine	

Sample ID	Depth	Classification	MC%	LL	PL	PI	Cc	Cu
● TP4 - 1	2.5	Light Brown Sandy SILT (ML-MH)	30	50	35	15		

Sample ID	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt & Clay
● TP4 - 1	2.5	25.0	0.1			1	41	58



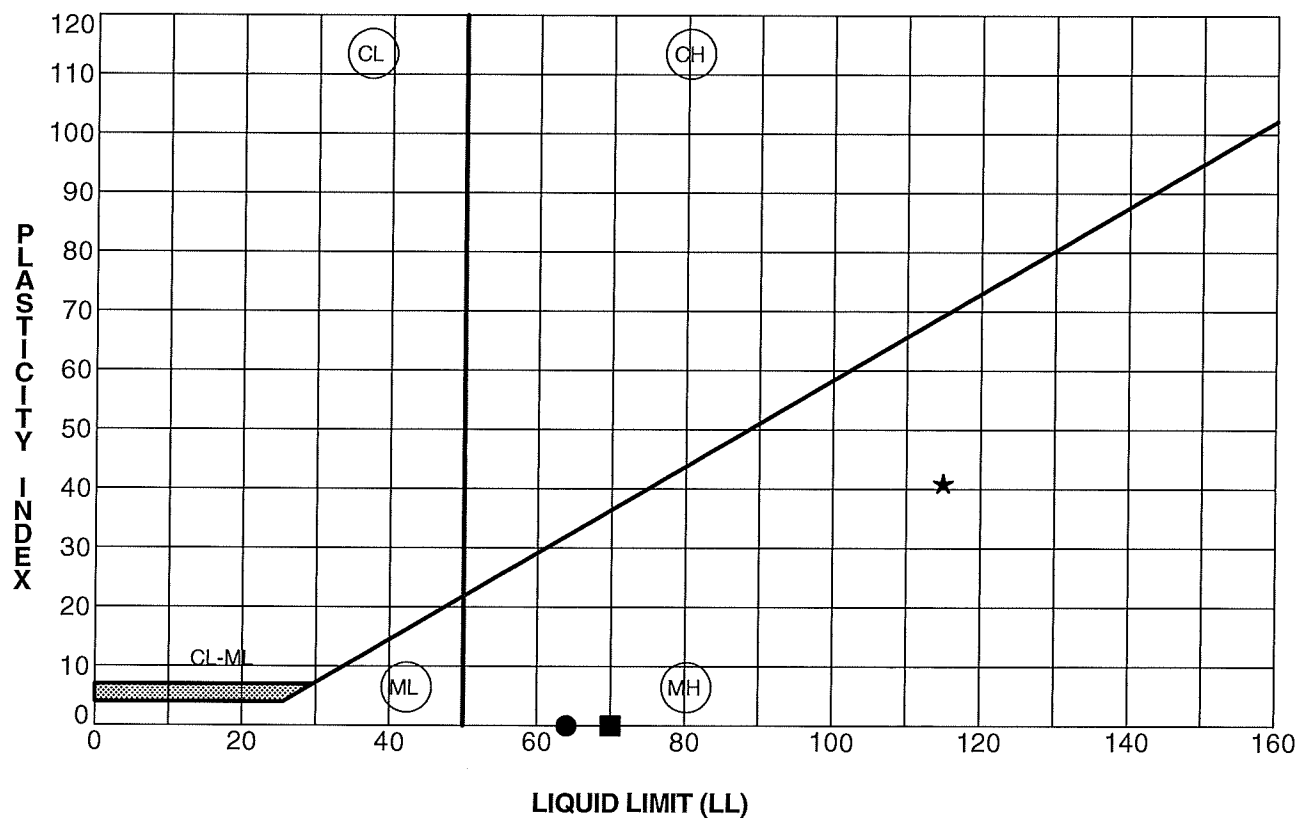
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**GRAIN SIZE DISTRIBUTION**  
 Piilani Promenade North Shopping Center  
 Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 55**



	Sample ID	Depth (ft)	LL	PL	PI	Classification
●	8 - 4	22.0	64	64	NP	Red Clayey SILT (MH)
■	2A - 2	16.5	70	70	NP	Reddish Brown SILT (MH)
★	9A - 6	25.0	115	74	41	Reddish Brown SILT (MH)



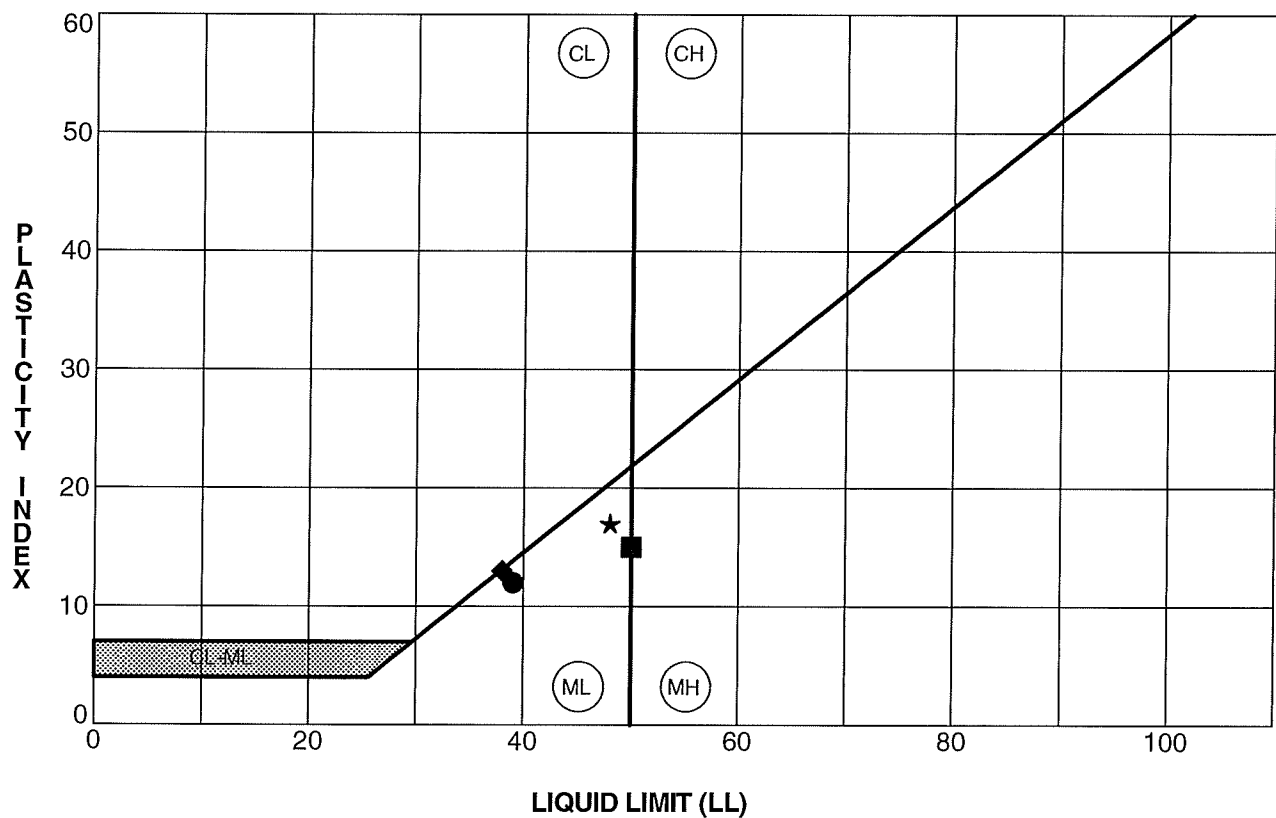
F.G.E. Ltd.

# **PLASTICITY INDEX CHART** Piilani Promenade North Shopping Center Kihei, Maui, Hawaii

File: 3050.01

August 2011

**Figure 56**



Sample ID	Depth (ft)	LL	PL	PI	Classification
● TP1 - 1	1.0	39	27	12	Light Brown SILT (ML)
■ TP4 - 1	2.5	50	35	15	Light Brown Sandy SILT (ML-MH)
★ TP6 - 1	0.5	48	31	17	Light Brown SILT (ML)
◆ TP9 - 2	1.0	38	25	13	Light Brown Sandy SILT (ML-CL)



F.G.E. Ltd.

## PLASTICITY INDEX CHART

Piilani Promenade North Shopping Center  
Kihei, Maui, Hawaii

File: 3050.01

August 2011

Figure 57

TABLE I

Summary of Boring Samples Laboratory Test Results

Sample No.	Depth (ft)	Moisture Content (%)	Dry Density (pcf)	Direct Shear C (psf)	Ø (Degrees)	Torvane (psf)	Liquid Limit	Plasticity Index	Gradation			Swell (%)	Swell Index
									Gravel (%)	Sand (%)	Silt/Clay (%)		
1-1	1.0	17	73										
1-2	3.0	26	68	335	45°							0.5	0.02
2-1	1.0	19	66										
2-5	16.5	65	---										
2-6	19.0	28	---										
2A-1	15.0	45	41	900	35°							0.5	0.01
2A-2	16.5	47	51			1,750	70	0					
2A-3	18.0	42	55	675	38°	1,250						0.5	0.01
2A-5	21.0	27	87			2,250							
3-1	1.0	24	77	390	37°							0.2	0.01
3-2	3.0	21	90										
3-6	15.0	70	---										
3-7	17.0	77	---										
4-5	16.0	62	---										
5-1	1.0	15	67										
6-5	17.0	42	---										
8-1	1.0	13	72										
8-3	20.0	65	---										
8-4	22.0						64	0				MH	
9-1	1.0	19	75	900	34°							1.4	0.04
9-5	21.0	62	---										
9-6	23.0	46	---										
9-7	25.0	68	---										
9-8	27.0	69	---										

Non-Plastic

TABLE I (Continued)

Summary of Boring Samples Laboratory Test Results

Sample No.	Depth (ft)	Moisture Content (%)	Dry Density (pcf)	Direct Shear		Torvane (psf)	Liquid Limit	Plasticity Index	Gradation			Swell (%)	Swell Index
				C (psf)	$\phi$ (Degrees)				Gravel (%)	Sand (%)	Silt/Clay (%)		
9A-2	19.0	28	90			435			4	66	30		
9A-3	20.5	30	88	600	41°							0	0
9A-4	22.0	59	49	600	39°	800						0.7	0.02
9A-6	25.0	72	60			1,665	115	41					
9A-7	26.5	96	42	700	39°	1,665						0.7	0.04
9A-9	29.5	58	54			2,165							
10-1	1.0	19	79										
11-1	1.0	15	77										
11-2	3.0	11	69										
11-4	14.0	59	---										
11-5	16.0	70	---										

TABLE II

Summary of Test Pit Samples Laboratory Test Results

Sample No.	Depth in feet	In-Situ Moisture Cont. (%)	Max. Dry Density (pcf)	Opt. Moist. Cont. (%)	Gradation			Liquid Limit (%)	Plasticity Index (%)	USC	Rel. Comp. (%)	Comp. Moist. (%)	CBR	
					Gravel (%)	Sand (%)	Silt/Clay (%)						CBR	Swell (%)
TP1-1	1.0'	15	104.0	21	5	24	71	39	12	ML	97	21	26.5	1.6
TP2-1	1.5'	22			0	30	70							
TP3-1	0.0	18												
TP3-2	2.0	13												
TP4-1	2.5'	23	91.5	30	1	41	58	50	15	ML-MH	98	30	43.8	0.4
TP5-1	0.5	14												
TP6-1	0.5	24	97.0	25				48	17	ML	95	25	30.0	1.4
TP7-1	0.5	17												
TP8-1	0.0	16												
TP9-2	1.0	20						38	13	ML-CL				

**TABLE III**

**Summary of Basalt Rock Unconfined Compressive Tests**

<u>Boring</u>	<u>Depth (feet)</u>	<u>Core Type</u>	<u>Material Description</u>	<u>Dry Density (p.c.f.)</u>	<u>Unconf. Compr. Strength (p.s.i)</u>
Boring 1	6.0-7.0'	HQ	Gray Basalt (WS)	160	11,145
Boring 4	6.0-7.0'	HQ	Gray Basalt (F)	164	22,315
Boring 6	6.0-7.0'	HQ	Gray Basalt (WS)	154	13,700
Boring 6	21.0-22.0'	HQ	Gray Vesicular Basalt (WS)	149	6,195
Boring 7	1.0-2.0'	HQ	Gray Basalt (WS)	160	14,570
Boring 7	6.0-7.0'	HQ	Gray Basalt (WS)	166	12,895
Boring 7	18.0-19.0'	HQ	Gray Vesicular Basalt (WS)	140	5,690
Boring 8	7.0-8.0'	HQ	Gray Basalt (WS)	162	14,655
Boring 9	13.0-14.0'	HQ	Gray Basalt (WS)	166	7,025
Boring 10	6.0-7.0'	HQ	Gray Basalt (WS)	165	15,080



## APPENDIX C

### Limitations

This report has been prepared for the exclusive use of **Piilani Promenade North, LLC** for site of the **Piilani Promenade North Shopping Center**, in Kihei, Maui, Hawaii. In the completion of the investigation and the preparation of this report, we have strived to perform our services in a manner consistent with that level of care and skill ordinarily exercised by members of the geotechnical profession practicing under similar conditions in Hawaii. No other warranty, either expressed or implied, is made.

The analysis, conclusions and recommendations submitted in this report are based in part upon the data obtained in the test borings and test pits, and upon the assumption that the soil conditions do not deviate from those observed. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the present time, FGE should be notified so that supplemental recommendations can be given. The conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by soil samples, test borings, or test pits. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Some contingency funds are recommended to accommodate such potential extra costs.

The site investigation for this report may not have disclosed the presence of underground structures, such as cesspools, drywells, storage tanks, etc. that may be present at the site. Should these items be encountered during construction, FGE should be notified to provide recommendations for their disposition.

The scope of work for this investigation was limited to conventional geotechnical services and did not include environmental, botanical, or archeological assessments or evaluations. Silence in the report regarding any environmental, botanical, or archeological aspects of the site does not indicate the absence of potential environmental, botanical or archeological concerns.

The boring and test pit locations were staked out in the field and their ground surface elevations were determined by Piilani Promenade North, LLC's Project Surveyors. Where occasional

borings or test pits were re-located by FGE in the field, the ground surface elevations at the borings were estimated by a hand level using the staked out boring elevation. The previously drilled borings along the northern side of the site were located in the field by FGE from the visible references, and their ground surface elevations were estimated from the topographic plans. The locations and elevations of the borings should be considered accurate only to the degree implied by the methods used.

Groundwater was not observed in any of the test borings or test pits during the field investigation. It should be realized, however, that fluctuations in the level of the groundwater, or seepage may occur due to variations in natural subsurface seepage, rainfall, tides and other factors not present at the time the measurements were made.

FGE should be provided the opportunity for general review of the final design drawings and specification to verify that the earthwork and foundation recommendations have been properly interpreted and implemented in the design and specification. If FGE is not accorded the privilege of making this recommended review, it can assume no responsibility for misinterpretations of the recommendations.

FGE should also be retained to provide periodic soil engineering services during construction. This is to observe compliance of the design concepts, specifications and recommendations and to allow design changes in the event the subsurface conditions differ from that anticipated prior to construction. The recommendations contained herein are contingent upon adequate construction observation and testing of the geotechnical phases of the construction by FGE.



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FAX (808) 873-0906

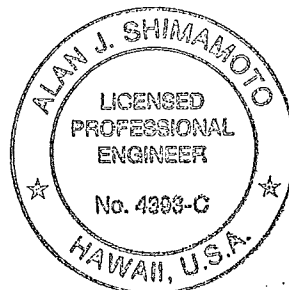
**SUBSURFACE INVESTIGATION REPORT**  
**MASS GRADING FOR LOTS 2C & 2D**  
**PIILANI PROMENADE SOUTH SHOPPING CENTER**  
**KIHEI, MAUI, HAWAII**

for

**PIILANI PROMENADE SOUTH, LLC**


by

**FEWELL GEOTECHNICAL ENGINEERING, LTD.**



This report was prepared by  
me or under my supervision.

**By Alan J. Shimamoto, P.E.**

  
**August 3, 2011**

# Important Information about Your Geotechnical Engineering Report

*Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.*

*While you cannot eliminate all such risks, you can manage them. The following information is provided to help.*

## **Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects**

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply the report for any purpose or project except the one originally contemplated.*

## **Read the Full Report**

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

## **A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors**

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

## **Subsurface Conditions Can Change**

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

## **Most Geotechnical Findings Are Professional Opinions**

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

## **A Report's Recommendations Are *Not* Final**

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual



subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

### **A Geotechnical Engineering Report Is Subject to Misinterpretation**

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

### **Do Not Redraw the Engineer's Logs**

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

### **Give Contractors a Complete Report and Guidance**

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time to perform additional study.* Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

### **Read Responsibility Provisions Closely**

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that

have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

### **Geoenvironmental Concerns Are Not Covered**

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

### **Obtain Professional Assistance To Deal with Mold**

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; *none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.*

### **Rely, on Your ASFE-Member Geotechnical Engineer for Additional Assistance**

Membership in ASFE/THE BEST PEOPLE ON EARTH exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.

## **ASFE THE GEOPROFESSIONAL BUSINESS ASSOCIATION**

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## **SUBSURFACE INVESTIGATION REPORT**

Mass Grading for Lots 2C & 2D  
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

### **INTRODUCTION**

A subsurface investigation has been completed to assist Piilani Promenade South, LLC, with the Mass Grading of Lots 2C & 2D. Lots 2C and 2D will be the site of the Piilani Promenade South Shopping Center in Kihei, Maui, Hawaii. This report summarizes our findings and conclusions. This work has been completed in general accordance with our March 3, 2011 Proposal and our Agreement with Piilani Promenade South, LLC, dated April 6, 2011.

Two related shopping center complexes are planned by affiliated developers, Piilani Promenade North, LLC (PPN) and Piilani Promenade South, LLC (PPS), for the parcels designated as Lots 2A, 2C and 2D in Kihei, Maui, Hawaii. Lot 2A will be developed for the proposed Piilani Promenade North Shopping Center, while the adjoining Lots 2C and 2D will be developed to support the Piilani Promenade South Shopping Center.

Lots 2C and 2D are separated from Lot 2A by the future Kaonoulou Street Extension, which together with an additional street extension and an off-site water tank, is part of the off-site infrastructure improvements for the shopping center. The geotechnical aspects of the design and construction of the off-site infrastructure improvements, including the future Kaonoulou Street Extension, have been previously addressed by others and are not part of this investigation.

The shopping centers will house a number of retail shops of varying sizes, including large national retailers. Although the proposed footprints of the new buildings are shown on the grading plans, the tenants have not been finalized at this time. Additionally, national retailers often perform their own geotechnical engineering for their stores.

Due to the uncertainty with regard to the actual tenants and their geotechnical engineering requirements, the scope of the investigations has been limited to addressing the mass grading of the lots in support of the new shopping centers. We understand that additional geotechnical investigations for the actual building construction will be performed as necessary once the users or tenants of the shopping centers have been determined.



## **PURPOSE AND SCOPE**

At the request of both PPN and PPS, subsurface investigations were undertaken for the above three parcels to assist PPN and PPS, and their consultants, with the geotechnical aspects of the mass grading of the parcels to support the shopping centers. Although the field work for both shopping center parcels were performed concurrently, separate subsurface investigation reports have been developed for each site.

This report presents the findings and conclusions for the investigation of the parcels designated as Lots 2C and 2D, which will support the Piilani Promenade South Shopping Center. A report addressing Lot 2A, which will support the Piilani Promenade North Shopping Center, is being issued separately.

The scope of work for the investigation of the Piilani Promenade South Shopping Center is detailed in the above-referenced proposal and agreement with PPS, but in general, included the exploration of the subsurface of Lots 2C and 2D with 14 test borings and 11 test pits. Samples were obtained for laboratory testing. The results of the field exploration and laboratory tests were reviewed in conjunction with the planned mass grading construction to evaluate the ramifications of the general subsurface conditions on the mass grading. The results of our evaluation are presented in this report.

The results of the subsurface exploration, including a Boring Location Plan and the logs of the borings and test pits, are presented in Appendix A. The laboratory test results are included in Appendix B. The limitations of this investigation and report are presented in Appendix C.

## **PROJECT CONSIDERATIONS**

Lots 2A, 2C and 2D will be developed to support the Piilani Promenade North and South Shopping Centers. The parcels are immediately south of the existing Piilani Business Park, and on the eastern side of Piilani Highway and its intersection with Kaonoulu Street in Kihei. The section of Piilani Highway fronting the lots is aligned in a general north-south direction in this area. The general area of the Piilani South Shopping Center is shown on the Project Location Map, Figure 1, in Appendix A.

Lots 2A, 2C and 2D total about 68 acres of open, undeveloped pasture land, and are secured with cattle fencing and a locked gate along Piilani Highway. All 3 lots appear to be covered with scattered shrubs and small trees. Cobbles and small boulders litter the ground surface and

occasional shallow swales cut through the lots in the northeast to southwest direction. An existing easement for a 36-inch diameter water line passes through the southeastern corner of Lot 2A and diagonally through Lot 2D in a general northeast to southwest direction. Overall topography in this area slopes down gradually toward the south and west.

Lots 2C and 2D are contiguous lots on the southern side of the future Kaonoulu Street Extension and immediately north of Kulanihakoi Gulch. Together, the 2 lots form the general shape of a rectangle of about 1,200 feet in width by 2,150 feet in length. The longitudinal axis of the combined lots is in a general east-west direction. Lot 2D is immediately adjacent to Piilani Highway and covers about 19½ acres. Lot 2C covers about 18½ acres and is on the eastern, or upslope, side of Lot 2D.

Except for the side slopes of the gulch, the topography at the site generally slopes down towards the south and west at an overall gradient of between about 3 and 5 percent, with localized areas as steep as about 30 percent. The ground surface in Lots 2C and 2D range from Elev. 110 in the northeastern corner of Lot 2C, down to Elev. 30 at the southwestern corner of Lot 2D, where Kulanihakoi Gulch passes beneath Piilani Highway.

Both Lots 2C and 2D are immediately adjacent to Kulanihakoi Gulch which is aligned in a general east-west direction along the southern edges of the lots. The preliminary topographic plans indicates that the gulch is up to about 200 feet wide where it is adjacent to the lots and varies from about 12 to 30 feet deep. The inclination of the side-slopes of the gulch is estimated at generally between 1½ Horizontal to 1 Vertical (1½H:1V) and 4H:1V from the preliminary topographic plans, with localized slopes of as steep as about 1H:1V.

The preliminary November 19, 2010 Mass Grading Plan for Lots 2C and 2D indicates that Lot 2C will be developed for retail shops on the eastern half of the lot and parking on its western half. The retailers will include a large retail store occupying the southeastern quadrant of the lot and 2 medium-sized buildings for stores in the northeastern corner of the lot. The pads for the area of the stores will be graded to between about Elev. 93 and Elev. 95. The parking lot west of the stores will be graded to about Elev. 92 just west of the stores, and will gradually slope down to Elev. 80 on the western side of the lot where it connects to Lot 2D.

Lot 2D will be developed to support another large retailer along the southern half of the lot adjacent to Kulanihakoi Gulch, with smaller stores and a fast food restaurant along its northern edge, adjacent to the future Kaonoulu Street Extension. Two additional smaller buildings are

planned on a terrace just above, and to the east of the main entry into the lot. The remainder of the area is designated for parking. The area of the large store is planned for about Elev. 52, while the smaller stores and fast food restaurant along the northern edge of the lot will be graded to between about Elev. 54 and Elev. 57. The two smaller stores above the main entry road are planned at about Elev. 79.

The preliminary grading plans indicate that both Lots 2C and 2D will be cut on their eastern sides and filled on their western sides, thereby creating a relatively level terrace for each lot. In general, the area of Lot 2C will be graded to between Elev. 80 and Elev. 95, while the main part of Lot 2D will be graded to between about Elev. 52 and Elev. 57. The area of the parking lots of Lot 2D, which transitions to Lot 2C will be graded between about Elev. 58 and Elev. 80.

Cuts of 15 to 20 feet in depth are estimated along eastern side of Lot 2C, while 6- to 8-foot deep cuts are anticipated for the eastern side of Lot 2D. Fills of 8 to 10 feet in thickness are estimated on the western end of Lot 2C, with fills of 12 to 18 feet in thickness on the western end of Lot 2D, adjacent to Piilani Highway and Kulanihakoi Gulch. Combined with the existing natural slopes of the gulch, the total overall slope heights along the site boundary next to the gulch are anticipated to be in the range of 30 to 40 feet.

Graded 2H:1V slopes are currently planned to support the grade differences between Lots 2C and 2D, the grade differences generated along the perimeter of the lots, and the grade changes within the lots. However, steeper slopes are being considered to maximize the useable areas for each of the lots.

Building information for the new shopping center structures is not available at this time, except for a typical elevation view of the shopping center and the approximate footprint of the new buildings. The elevation view of the shopping center within Lots 2C and 2D suggests that the structures will be 1- and 2-story buildings, or 1-story buildings with higher than normal ceilings.

The building for the large retailer in Lot 2C is about 400 feet by 585 feet in plan dimensions, while the building for the medium-sized stores in Lot 2C are 150 feet to 200 feet wide by 215 feet to 235 feet long. The building for the large retailer on Lot 2D is about 290 feet by 530 feet in dimensions. The remainder of the buildings in Lots 2C and 2D are generally no larger than 75 feet in width by 85 to 180 feet in length. The types of structures, and their column and wall loads, are not known at this time, although it is assumed that concrete slab-on-grade ground floors are preferred.

## SUBSURFACE INVESTIGATION

A total of 14 test borings and 11 test pits were drilled and excavated during the period of May 4, through May 26, 2011 at the approximate locations shown on the Boring Location Plan, Figure 2 in Appendix A. The borings and test pits have been arbitrarily labeled consecutively from the borings and test pits of the adjacent Lot 2A to avoid confusion, and hence are designated as Borings 12 through 25 and Test Pits 10 through 20.

The test borings were mainly drilled in the areas of the site where excavations are planned, in the areas of the future buildings, and along the edges of the gulch where large fills are proposed. The test pits were generally excavated in the relatively level areas of the site planned for parking lots, and/or where fills are planned beneath the smaller retail structures.

The test borings were drilled to depths of 10 to 30½ feet below the existing ground surface with a Mobile B-53 truck-mounted drilling rig advancing 4-inch diameter continuous-flight augers. Where hard rock was encountered which could not be penetrated by the augers, the borings were advanced with 4-inch diameter casing, NX coring equipment and wash-boring tools.

Relatively undisturbed samples of the subsurface soils were obtained at selected depths with either a 3.0-inch O.D. split-spoon sampler or a 2.0-inch O.D. Standard Penetration Test (SPT) sampler, both driven by a 140-pound hammer falling 30 inches. The number of blows required to advance the samplers the final 12 inches into the soil was recorded as the "blow counts" and are shown on the Boring Logs, Figures 3 through 16 in Appendix A, together with the materials encountered. The blow counts shown on the boring logs are the actual blow counts obtained in the field during the sampling. The estimated corresponding SPT blow counts for the 3-inch O.D. sampler are shown in parentheses below the blow counts obtained in the field.

Where rock was encountered, the borings were advanced, and samples were obtained, with a double-tube NX core barrel and an industrial diamond cutting bit. The degree of Recovery (REC) and the Rock Quality Designation (RQD) for each core run is also shown on the Boring Logs.

Test pits were excavated to depths ranging from 1 foot to 8½ feet below the existing ground surface with a Komatsu track-mounted excavator provided by PPS. The test pits were terminated once impenetrable materials were encountered. Bag samples of the soils found in the test pits were obtained for laboratory testing.

The materials found in the borings and test pits are shown on the Boring Logs and Test Pit Logs, Figures 3 through 27 in Appendix A. A Boring Log Legend is included as Figure 28 for reference. Photographs of the rock cores obtained in the test borings are shown in Figures 29 through 41 at the end of Appendix A.

## **LABORATORY TESTING**

Selected samples of the subsurface soils obtained in the borings and test pits were tested in our laboratory to determine their pertinent general engineering characteristics, including in-situ moisture content and density, compression/consolidation under load, shear strength and swell under their in-situ moisture conditions. In addition, selected cores of the intact basalt obtained from the test borings were tested to determine their unconfined compressive strengths.

Bulk samples of the predominant near-surface soils were tested in general accordance with Laboratory California Bearing Ratio (CBR) Test ASTM D1883 to determine their pavement support characteristics and swell when compacted at their optimum moisture contents as determined by ASTM D1557. Gradation and Atterberg Limits tests were performed on visually representative samples from the borings and test pits to aid in the classifications of the soils.

The results of most of the laboratory tests are shown on the boring and test pit logs where appropriate. The results of the Consolidation, CBR, Gradation, and Atterberg Limits tests are graphically illustrated as Figures 42 through 50 in Appendix B. The results of the laboratory tests for the relatively undisturbed samples obtained from the borings are summarized in Table I at the end of Appendix B, while the results of the tests for the samples from the test pits are summarized in Table II. Table III presents a summary of the unconfined compressive strength tests performed on the rock cores.

## **GENERAL SUBSURFACE CONDITIONS**

The borings and test pits have revealed that the site of Lots 2C and 2D for the Piilani Promenade South Shopping Center is generally underlain by a layer of "soil materials" or "soils" over a basalt formation consisting of relatively intact basalt with interbedded layers of cobble- and gravel-sized volcanic rock fragments, generally referred to as Aa Clinker. The basalt formations generally extend to the bottom of the deeper borings at depths of 15 to 30½ feet below the existing ground surface. Basalt was not found within Boring 12, which was terminated at a depth of 10 feet.

The near-surface soils are generally comprised of residual soils (soils weathered in-place from parent rock), saprolites (residual soils with remnant rock structure) and decomposed rock (highly

to completely weathered rock which exhibits soil-like properties). The saprolite and decomposed rock are similar and both still exhibit remnant rock structure, but the saprolites exhibit more advanced weathering than the decomposed rock.

The combined layering of the soil materials varies significantly in thickness, ranging from as thin as 1 foot to over 10 feet in thickness at the boring locations. The attached Table A below presents a summary of the general layering found within the borings and test pits.

**Table A – Subsurface Condition Summary**

<u>Boring/ Test Pit No.</u>	<u>Ground Elev.</u>	<u>Prop. Finish Grade Elev.</u>	<u>Approx. Depth to Bottom of:</u>		<u>Elev. At Top Basalt Formation</u>
			<u>Residual Soil</u>	<u>Saprolite/Decomposed Rock</u>	
12	Elev. 46±	Elev. 54±	1'±	10'±	None Encountered
13	Elev. 37±	Elev. 52±	3'±	10'±	Elev. 27±
14	Elev. 63±	Elev. 57±	1'±	6'±	Elev. 57±
15	Elev. 61±	Elev. 52±	2'±	6'±	Elev. 55±
16	Elev. 68±	Elev. 84±	2'±	9'±	Elev. 47±
17	Elev. 68±	Elev. 84±	0'±	None	Elev. 68±
18	Elev. 98±	Elev. 94±	None	9'±	Elev. 89±
19	Elev. 94±	Elev. 93±	None	4'±	Elev. 90±
20	Elev. 79±	Elev. 93±	2'±	4'±	Elev. 75±
21	Elev. 92±	Elev. 93±	2'±	6'±	Elev. 86±
22	Elev. 108±	Elev. 93±	1'±	6'±	Elev. 102±
23	Elev. 110±	Elev. 95±	1'±	3'±	Elev. 107±
24	Elev. 112±	Elev. 92±	3'±	None	Elev. 109±
25	Elev. 107±	Elev. 92±	4'±	None	Elev. 103±
TP10	Elev. 94±	Elev. 93±	None	2'±	Elev. 92±
TP11	Elev. 87±	Elev. 90±	2'±	5'±	Elev. 82±
TP12	Elev. 81±	Elev. 90±	3'±	None	Elev. 78±
TP13	Elev. 83±	Elev. 86±	None	3'±	Elev. 80±
TP14	Elev. 77±	Elev. 86±	1'±	2'±	Elev. 75±
TP15	Elev. 74±	Elev. 79±	2'±	None	Elev. 72±
TP16	Elev. 67±	Elev. 79±	<1'±	7'±	Elev. 60±
TP17	Elev. 50±	Elev. 52±	<1'±	None	Elev. 49±
TP18	Elev. 48±	Elev. 52±	3'±	6'±	Elev. 42±
TP19	Elev. 42±	Elev. 52±	<1'±	1'±	Elev. 41±
TP20	Elev. 38±	Elev. 52±	2'±	5'±	Elev. 33±

Note: Elevations estimated from Topographic Plan provided by PPS

In general the thickness of the soils appear thinner toward the eastern end of the site and along the higher knolls of the site, and thicker toward the western side of the site and within the depressed areas of the site. Each of the main types of subsurface materials is described in more detail below.

Residual Soils – Where encountered, the surface layer of residual soils varies from as thin as less than 1 foot, to as thick as 4 feet, and in most of the borings and test pits, extend down to depths of about 1 to 3 feet below the existing ground surface. Residual soils were not found in Borings 18 and 19 and in Test Pits 10 and 13, where either saprolites or decomposed rock was found at the ground surface. Root mats for the above-ground vegetation extend down to depths of 2 to 5 inches below the existing ground surface in the surface soils.

The residual soils generally consist of reddish brown, light brown and brown silts, sandy silts, clayey silts and silty clays. They appear to be of volcanic ash origin and include weathered gravel-sized and cobble-sized rock fragments which are likely the core stones remaining from Aa Clinker deposited with the ash.

The residual soils are classified as ML, MH and CL under the Unified Soil Classification (USC) system, and generally exhibit a hard consistency and relatively high shear strengths. Laboratory tests performed on samples of the residual soils generally showed friction angles of 28 to 45 degrees with cohesion values of 600 to 930 pounds per square foot (psf).

Swell tests on the residual soils showed swells of 0.2 to 1.3 percent under their in-situ moisture contents, and CBR swells of 0.7 to 1.1 percent when compacted near their optimum moisture contents and saturated for a 96-hour period. The CBR tests showed that the residual soils exhibit relatively good pavement support characteristics with CBR's of 12.8 and 41.8 when compacted. The test results suggest that the residual soils generally exhibit low shrink-swell characteristics.

Although the residual soils exhibit relatively good in-situ strength characteristics, they exhibit poor consolidation characteristics. The laboratory tests performed on the residual soils showed that they possess relatively low in-situ densities, low to moderate moisture contents, and moderate but significant consolidation under light to moderate loads. In addition, sudden compression, or "collapse" of 4 to 5 percent occurs with the introduction of water.

These results indicate that although significant loads can be applied to the soils under dry conditions, the soils would consolidate significantly, and suddenly, if water is introduced into the



soils, either naturally or through landscaping. We believe that this is likely due to the dissolution of the vestiges of the original rock structure of the residual soils by the water.

Saprolites and Decomposed Rock – Saprolites consist of residual soils with remnant rock structure. Although they consist of gray/brown and gray low plasticity silts, sandy silts and silty sands, which are classified as ML and SM, they still exhibit the appearance of the rock from which they originated. Sections and seams of highly weathered basalt and some core stones, which are likely weathered clinker, are also included within the saprolite layers.

Decomposed rock is similar to the saprolites but generally consist of gray/brown or gray highly to completely weathered rock. Hence, although the saprolites and decomposed rock appear similar, the saprolites are more like a soil. The decomposed rock appears more like a soft rock which is the equivalent of a very hard soil. The decomposed rock could be easily drilled with the augers and can be broken down to silts and sands, but require significant remolding pressure.

Together, the saprolites and decomposed rock layers extend down to depths ranging from as shallow as 1 foot to as deep as 10 feet below the existing ground surface. Although variations in their thickness occurs randomly throughout the area, the saprolites and decomposed rock layers generally extend to depths of 6 to 10 feet on the western side of the site (in the area of Lot 2D), and to depths of 2 to 6 feet in the eastern portion of the site (general area of Lot 2C).

Both the saprolites and decomposed rock exhibit relatively high penetration resistances to the sampling (high blow counts) and a hard to very hard consistency. Although they exhibit low to moderate densities, they possess high shear strengths with friction angles of 23 to 45 degrees and cohesion of 680 to 1,000 psf. Swells of 0.2 to 0.8 percent were obtained for the saprolites under their in-situ moisture contents, indicating low shrink-swell characteristics.

No sudden compression was observed during consolidation tests for the saprolite samples. The consolidation tests for the saprolites suggest that they possess relatively high preconsolidation pressures of 6,800 psf or more, a virgin compression index of 15 percent, and a compression index during reloading of less than 1 percent. The tests suggest that relatively minor compression or consolidation of the saprolites should occur under light to moderate loads.

Basalt Formation - The basalt formations generally consist of gray intact basalt with interbedded layers of unbonded cobble- and gravel-sized rock fragments, or Aa Clinker. Occasional small

voids or cavities, of 6 to 12 inches in vertical dimension, were found within the basalt formation in Borings 15, 18 and 22.

In Lot 2D, the borings indicate that the vast majority of the formation consist of intact basalt with dense clinker seams of no more than about 12 inches in thickness. Where found in the borings within Lot 2C, the clinker layers are thicker and generally range from 4½ to 8 feet in thickness sandwiched between sections of intact basalt.

The Aa Clinker materials interbedded between the layers of intact basalt consist of cobble- and gravel-sized rock fragments, which possess little or no bonding. The clinker materials are generally dense to very dense, with occasional medium dense sections, although a loose to medium dense, 8-foot thick layer was found in Boring 20.

The intact basalt is mostly slightly weathered with occasional seams of moderately weathered basalt and some fresh basalt. The intact basalt is medium hard to hard, and massive in many areas. Laboratory unconfined compression tests on the samples of the basalt cores show dry densities of 126 to 167 pounds per cubic foot (pcf) and unconfined compressive strengths of 2,110 to 10,970 pounds per square inch. The denser and higher strength rock appears to occur near the existing ground surface. Similar results have been obtained for the cores of the adjacent Lot 2A, but much higher strengths in the range of 11,145 to 22,315 psi were obtained for the near-surface basalts.

Groundwater – Groundwater or seepage was not observed in any of the borings and test pits of this investigation, even after a period of at least 24 hours had elapsed after the completion of the borings. It should be realized, however, that fluctuations in the level of groundwater may occur due to variations in natural subsurface seepage, rainfall, and other factors not present at the time the measurements were made.

## **DISCUSSION AND CONCLUSIONS**

The subsurface investigation has revealed that except for the surface layer of residual soils, Lots 2C and 2D are generally underlain by relatively competent saprolites, decomposed rock and basalt formations. These materials should provide adequate support for the planned mass grading of the Piilani Promenade South Shopping Center, provided the recommendations of this report are followed. Groundwater or seepage was not observed in any of the borings or test pits of this investigation and is not anticipated to have a major impact on the planned construction.

The most significant geotechnical concerns with regard to the mass grading of the site are the compressibility of the surface layer of residual soils, or volcanic ash, and the hard intact basalt found at depths as shallow as 1 foot below the existing ground surface. Based on the planned mass grading, most of the site excavation will be performed on the eastern portions of both Lots 2C and 2D, where the boring information indicates the basalt is at shallower depths. The basalt formation appears deeper on the western portions of each of the lots, but these are the lower areas of the lots where fills are anticipated.

The near-surface residual soils appear to be a derivative of volcanic ash and exhibit properties which are not uncommon for volcanic ash in Hawaii. These characteristics can result in long-term, post-grading concerns which would be dependent on if, and when, the soils become wet, which is not predictable. Although double-handling of the materials would add costs to the mass grading, we believe that it would be prudent to remove the residual soils and compact them prior to additional construction or fill placement over these soils.

The removal of the residual soils should extend throughout the area of the fill placement and new construction plus a 5-foot perimeter. It should extend down to the saprolite or decomposed rock below the residual soils. The actual depth of their removal must be determined in the field during the construction. The boring and test pit information in the proposed fill areas suggest that depths of 1 to 4 feet should be anticipated, with most of the removal likely extending down to depths of about 2 feet.

It is anticipated that the residual soils will generally be removed from the cut areas due to the site excavations. Any remaining residual soils at the finished grade levels should be similarly removed and replaced with compacted fills. The excavated materials can be re-used as fill provided they are placed, moisture-conditioned, and compacted in accordance with the recommendations of this report. Once the residual soils have been removed and replaced with properly compacted engineered fill, the remainder of the construction can proceed using relatively typical construction methods and techniques.

The test boring and test pits indicate that the site excavations will encounter a basalt formation at depths ranging from as shallow as 1 foot to as deep as 10 feet below the existing ground surface. In most of the borings and test pits, intact hard basalt was found in the range of 3 to 6 feet below the existing ground surface, particularly within the planned cut areas of the site. The saprolites and decomposed rock found above the intact basalt formations were easily penetrated with augers and we believe that they can be excavated with heavy earth-excavating equipment.

The basalt formation generally consists of slightly weathered, medium hard to hard intact basalt with interbedded layers of clinker, most of which is medium dense to dense. Excavation of the intact basalt will require the use of heavy rock-excavating equipment such as single-ripper D-9, or larger, dozers and hoe-rams. Blasting would facilitate and expedite the site excavations provided it can be safely performed in accordance with the governmental regulations for blasting.

The intact basalt should be relatively stable even with steep cut slopes, but some consideration must be given to the thicker interbedded layers of Aa clinker consisting of the gravel- and cobble-sized rock fragments and other possible defects or loose zones in the formation. The intact basalt should be able to stand satisfactorily at near-vertical slopes, but the Aa clinker layers which are sometimes found within the basalt consist of the unbonded rock fragments. The clinker layers will tend to ravel over time and approach a more stable slope of about 1H:1V to 1½H:1V.

We believe that the intact basalt can be cut at slopes as steep as ½H:1V, and up to 15 feet high without benches, provided any encountered clinker layers, or other defects in the basalt, are stabilized by grouting and guniting such that future raveling and sloughing of the clinker materials is prevented. In addition, a drop zone of at least 8 feet in width, and sloped back toward the toe of the cut slope, should be provided at the base of the slope to minimize the lateral movement of any rocks falling from the steep slope.

Alternatively, the overall cut slopes in the basalt formations may be cut at a flatter slope of 1H:1V for vertical heights of up to 20 feet without benches to accommodate the potential for clinker layers found within the basalt. Some surface guniting of the clinker seams should still be anticipated where loose clinker zones are encountered.

For both of the above slopes, an 8-foot wide bench should be provided at their approximate mid-heights where the ½H:1V cut slopes exceed 15 feet, and where the 1H:1V slopes exceed 20 feet. Both of the above slopes are relatively steep and can be dangerous. A fence should be constructed at the top of slope as a safety precaution to prevent access to the top of the slopes.

Excavations into the basalt will likely result in boulder- and cobble-sized rock fragments which would require significant crushing and processing for use as a typical granular fill material. An on-site crusher would have to be used to process the large basalt fragments generated from the site excavations. Although the boulders and cobbles can be used without significant processing as a coarse rock fill (also referred to as a boulder fill), some limitations must be considered.

These limitations generally favor the use of a more typical crushed rock fill rather than coarse rock fills for this project.

Future excavations into the coarse rock or boulder fill, will be significantly costly and potentially not feasible without jeopardizing the integrity of the boulder fill. Such excavations typically disturb not only the boulders being excavated, but also the adjacent boulders which are to remain in place. Attempts to stabilize the adjacent boulder fills typically result in nearly complete removal and reconstruction of the fill due to the inability to contain the disturbed fill areas. Injection grouting of the adjacent boulder fill areas with a low-strength material such as CLSM would likely be necessary for excavations into the boulder fills. Hence, coarse rock fills, or boulder fills, should be considered permanent fills which will not be disturbed in any way in the future.

Additionally, subsurface investigations for building foundations would be severely limited by a boulder fill, and obtaining adequate information for the geotechnical aspects of the foundation design would be difficult, if not impossible, within the fills. Hence, depending on the designer's familiarity with boulder fills, the foundation designs for the buildings can be significantly impacted by the presence of the rock fills beneath the structures. This is normally not a concern if the same geotechnical engineer is retained throughout the project, but can be significant for this project since it is anticipated that the larger retailers will probably want to undertake their own foundation investigations for the design and construction of their buildings.

If coarse rock fills or boulder fills are used on this project we recommend that they be constructed in the parking areas at least 10 feet away from the future building areas and existing or future slopes, at least 5 feet below the future finished subgrades, and in areas where future utilities and site excavations are not planned. The use of a portable on-site rock crusher should be anticipated to generate the vast majority of the fill materials from the basalt formations, which will be simpler, more expedient and likely more cost-effective in grading the site. The crusher should be capable of crushing the basalt to materials to a maximum size of 6 inches in dimension, typically referred to as minus 6-inch materials.

Fill slopes constructed of the minus 6-inch crushed rock materials, the residual soils, saprolites, or decomposed rock materials may be inclined at slopes of 2H:1V for heights of up to 20 feet without benches provided the toes of the slopes are set-back at least 8 feet from the top of the existing gully slopes or other similar steep slopes. Where the fills slopes have been constructed entirely of the minus 6-inch crushed rock fill, they maybe sloped as steep as 1½H:1V for vertical heights of up to 15 feet without benches. Slopes exceeding these heights should be provided

with an 8-foot wide bench at their approximate mid-heights or at vertical intervals of no more than 20 feet and 15 feet, respectively.

Our analyses indicates that the above-recommended slope inclinations and heights should provide an acceptable factor of safety of at least 1.5 against slope failure under static conditions and a safety factor of at least 1.1 under the seismic conditions recommended under the 2006 International Building Code (IBC) for this area of Maui. These are the typically accepted minimum factors of safety for this type of geotechnical stability evaluation.

The remainder of this report presents recommendations addressing the mass grading of the site, but does not include recommendations for the design and construction of the buildings and their foundations. Separate foundation investigation, with additional borings and/or test pits should be undertaken by the future retailers or builders for the buildings of the shopping center to specifically address the new shopping center buildings.

For preliminary planning and cost-estimating purposes, we believe that the natural saprolites, decomposed rock, and the fills processed, placed and compacted in accordance with the recommendations of this report should be capable of providing allowable bearing capacities of between 3,000 and 4,000 pounds per square foot (psf). The foundations should be embedded at least 12 to 18 inches below the lowest compacted subgrade adjacent to the footings, and set-back at least 7 feet from the top of the graded slopes. Increased embedment would be necessary for foundations bearing on a slope, or within 7 feet of the compacted slope face.

Where foundations are embedded at least 6 inches into intact basalt, the allowable bearing capacity can likely be increased to at least 5,000 psf and probably much higher. Voids, cavities, loose clinker seams or other defects in the intact basalt should be cleaned out and filled with concrete. Spread footings should bear entirely on similar materials, i.e. either completely on intact basalt, on saprolites and decomposed rock, or completely on compacted fill.

Due to the possibility of clinker layers and the occasional presence of voids, the drilling of foundations probes may be warranted, depending on the findings of the investigations for the buildings. Foundation probes in the rock are typically drilled at each spread footing and at about 10-foot intervals along the lengths of the continuous footings.

The above preliminary geotechnical guidelines for the building construction are given for preliminary planning purposes. Each of the buildings should be evaluated in more detail once

their detailed design has been finalized and additional subsurface investigations have been completed for the buildings.



## **RECOMMENDATIONS**

### **General**

1. We believe that Lots 2C and 2D can be adequately developed to satisfactorily support the mass grading for the Piilani Promenade South Shopping Center, provided the recommendations of this report are followed. The presence of the volcanic ash residual soils with poor supportive characteristics and the relatively shallow depth to intact basalt present some concerns to be addressed, which will likely result in higher costs than those incurred on site with more favorable conditions.
2. The most significant geotechnical concerns with the development of the site to support the planned mass grading is the moderate, but sudden, compression which can occur with the near-surface residual soils and the shallow depth to hard intact basalt. We believe however, that these concerns can be reduced by the removal and replacement of the near-surface residual soils with compacted fill, and anticipating the use of heavy rock-excavating equipment in excavating the intact basalt.
3. Groundwater was not encountered in any of the borings or test pits during this investigation and is not anticipated to be a major factor in the planned mass grading.

### **Site Preparation**

4. Prior to the start of actual site grading, the site should be cleared and grubbed in accordance with Section 201 of the Standard Specifications for Road, Bridge and Public Works Construction of the County of Maui (Standard Specifications).
  - a. The clearing and grubbing operations should extend throughout the area of the planned construction and at least 5 feet beyond the toes of the planned fill slopes and other new construction.
  - b. The actual depth of the clearing and grubbing should be determined in the field during construction, but based on our observations of the borings and test pits, it is likely that 2 to 4 inches will suffice.
  - c. All vegetation, trash, rubble, and other deleterious materials should be removed and wasted off-site.
5. Existing utilities or similar items which interfere with the planned construction, should be removed and re-routed. The depressions or trenches resulting from their removal should be backfilled in accordance with the Grading and Utility recommendations of this report.

## Grading

6. Once the site has been cleared and grubbed, mass grading can commence to generate the designed grades. The graded, level pads for the shopping center buildings and structures should extend at least 7 feet beyond the exterior edge of the new structures and their foundations. Deeper than normal foundation embedment will be required where this criteria cannot be met.
7. Excavations for the site grading should provide a relatively level area such that protruding high-points in the underlying basalt are minimized for the shopping center buildings and their slabs. The removal of the basalt in the cut areas should extend at least 6 inches below the bottom of the concrete slabs to allow for the installation of their slab cushions or base materials.
8. The use of heavy rock excavating equipment, such as single-ripper D-9 dozers, or larger, and hoe-rams should be anticipated for the site excavations into the near-surface basalt formations and for the construction of any below-grade structures penetrating the basalt. Blasting can facilitate and expedite the removal of the basalt provided it can be performed safely in accordance with applicable governmental regulations for blasting in this area.
9. The near-surface layer of volcanic ash residual soils should be removed throughout the area of the new construction, plus a 5-foot perimeter, and stockpiled for future use as fill.
  - a. The removal of the volcanic ash residual soils should extend down the underlying layers of hard saprolites, decomposed rock or the intact basalt formation.
  - b. The actual depth of their removal must be determined in the field during the construction, but based on the boring and test pit operation, it is anticipated that it will average about 2 feet.
  - c. Where the then exposed ground surface slopes down in excess of 5H:1V, it should be benched with a series of horizontal terraces prior to fill placement. The benches should extend through any loose slope materials into hard natural ground.
10. The then exposed subgrade should be proof-rolled to detect any remaining soft spots or loose zones prior to fill placement or additional construction. The proof-rolling should consist of at least 5 passes of a heavy compactor such as a Cat 825, or its equivalent, weighing at least 40,000 pounds.

11. Areas to receive fill or new construction should be scarified for a depth of 8 inches, moisture-conditioned to within 3 percent of its optimum moisture content, and uniformly compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Where the ground is within 2 feet of the bottom of future pavement sections, it should be compacted to at least 95 percent relative compaction.

12. The excavated on-site soil materials, consisting of the residual soils, saprolites and decomposed rock may be used for fill for the mass grading. Little or no processing is anticipated for these materials for their use as fill.

13. Excavated rock materials should be segregated from the soils, and crushed and processed to generate a granular crushed rock material.

- a. The excavated rock should be crushed to generate a well-graded material with a maximum dimension of no larger than 6 inches (minus 6-inch crushed rock) with no more than 15 percent passing the No. 200 US Sieve.
- b. The use of an on-site crusher should be anticipated to crush and process the basalt to generate the above-recommended fill materials.

14. Fill materials, whether imported or generated on-site, should be free of organics, rubbish, debris, free of soil clods, and other deleterious materials. Additionally, imported materials should be a low-expansion soil, which is as good as, or similar to, the on-site materials.

- a. It should have a maximum size of no more than 3 inches, no more than 15 percent passing the No. 200 US Sieve and exhibit a Plasticity Index of no more than 15.
- b. When tested in accordance with Laboratory CBR Test ASTM D1883, it should exhibit a CBR of at least 15 and no more than 1 percent CBR swell.

15. Fill should be placed in relatively uniform lifts of no more than 8 inches in loose thickness, moisture-conditioned to within 3 percent of their optimum moisture content and uniformly compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Fill placed within 2 feet of the bottom of pavements should be compacted to at least 95 percent relative compaction.

16. Field density testing of the minus 6-inch crushed rock fill is not practical due to the oversized materials comprising the fill. The fill should be compacted to a tight, unyielding layer, and

should be continuously observed during the construction to determine whether it appears adequately compacted.

17. Where the on-site soils (consisting of the residual soils, saprolites and/or decomposed rock) are used at the top of the graded building pads, they should be kept moist as much as is practical during the intervening period between the grading of the pad and the construction of the concrete slabs for the buildings. This is to avoid excessive drying and shrinking which can result in future expansion after the construction of the buildings. Should shrinkage cracks in excess of 1/8 inch in width occur, the upper 8 inches of the pads should be scarified and recompacted as indicated above prior to the construction of the concrete slabs-on-grades for the buildings.

18. Cut slopes in the residual soils, saprolites and decomposed rock should be cut at no steeper than 2H:1V for heights of up to a maximum of 15 feet without benches. Cut slopes in the basalt formation below the soil materials can be cut relatively steep but should include fences or other safety considerations at the top of the slope to prevent falling off the top of the slopes.

- a. Slopes cut into the intact basalt formation may be sloped as steep as ½H:1V for heights of up to 15 feet without benches, provided any clinker layers and defects found in the rock are grouted and gunited to prevent future raveling and sloughing of the clinker materials.
  - i. Loose rocks, boulders or cobbles on the slope should be removed, and a drop zone, at least 8 feet in width, should be provided at the toe of the slope to reduce the potential or future loosened rocks traveling horizontally away from the slope. The drop zone should be sloped toward the cut slopes.
  - ii. Maintenance should be provided periodically to observe the condition of the slope and to remove rocks and boulders which accumulate within the drop zone.
- b. Alternatively the cut slopes in the basalt formation may be excavated as steep as 1H:1V for vertical heights of up to 20 feet without benches. Should loose clinker, or defects in the rock be encountered, they should be gunited to reduce the potential for future raveling, and subsequent undermining of the rock above.
- c. An 8-foot wide bench should be provided at the approximate mid-height of the slopes where the ½H:1V cut slopes exceed 15 feet, or at about 15 feet intervals up to a maximum height of 25 feet. A similar 8-foot wide bench is recommended at the approximate mid-height of the 1H:1V cut slopes in the basalt where the slopes exceed 20 feet in height, or at about 20 feet intervals for slopes of up to 25 feet in height.
- d. Cut slopes exceeding the above-recommended maximum heights are not anticipated on this project and should be individually evaluated should they occur.

19. Fill slopes using the above recommended minus 6-inch well-graded crushed rock fills or the on-site soil materials consisting of residual soils, saprolites or decomposed rock should be constructed such that the toes of the fill slopes are set-back at least 8 feet from the top of the existing gulch slopes or other similar steep slopes at the site.

- a. Fill slopes comprised of any, or all, of the above materials may be constructed as steep as 2H:1V for vertical heights of up to 20 feet without benches.
- b. Fills slopes constructed entirely of the minus 6-inch well-graded crushed rock fills or a combination of minus 6-inch and minus 2-inch well-graded crushed rock materials may be constructed as steep as 1½H:1V for vertical heights of up to 15 feet without benches.
- c. Where the fills slopes exceed 20 feet for the 2H:1V slopes, or 15 feet for the 1½H:1V slopes, 8-foot wide benches should be provided at their approximate mid-heights, or at intervals not exceeding 20 feet and 15 feet, respectively, for vertical total heights of up to 25 feet. Fill slopes exceeding this height are not anticipated on this project and should be individually evaluated where they occur.
- d. The fill slopes should be over-constructed during the rough grading and subsequently cut back to their desired lines and grades such that the finished slope face is a tight, well-compacted surface.

20. Drainage provisions should be included in the design of the mass grading to direct water away from the slopes and to preclude the ponding of water adjacent to or beneath the slopes.

21. The soil cut slopes and the fill slopes should exhibit adequate overall stability but are susceptible to raveling and rilling due to erosion. The slopes should be protected from erosion by planting, seeding or mulching as soon as practical after they are graded to minimize the potential for these occurrences.

#### Coarse Rock or Boulder Fills

22. Coarse rock fill or boulder fill may be used provided it is judiciously placed, segregated, processed and compacted in accordance with the recommendations of this report. Coarse rock fills or boulder fills should be restricted to areas where no future excavations are planned and where they can be a permanent fill which will not be disturbed in the future.

23. Coarse rock fills should not be used in: 1) the future building areas, plus a 10-foot perimeter, 2) within 10 feet laterally of the top of the compacted finished fill slopes, 3) above a

depth of 5 feet of the planned finished grades for the mass grading (as measured from the top of the last choke layer), and 4) within 1 foot vertically of the bottom of the future utilities (as measured from the anticipated bottom of the utility trench and the top of the final choke layer.

24. The coarse rock materials should be segregated such that they are free of soil materials and only consist of crushed rock materials. The crushed rock should be segregated such that they consist of minus 6-inch materials, cobbles between 4 inches and 12 inches in maximum dimension, and boulders which are 12 to 24 inches in maximum dimension.

25. At least a 12-inch thick layer of minus 6-inch well-graded crushed rock fill should be placed and compacted on the existing ground to receive fill prior to the construction of the coarse rock fill.

26. The initial deeper layers of the coarse rock fill should consist of 1-foot to 2-foot sized boulders placed in lifts or no more than 2 feet in thickness and tracked into a tight, unyielding layer with a D-8, or larger, dozer. Once compacted, additional layers of coarse rock fill, or boulder fill may be added. Fines should not be allowed into the open voids of the rock fill until it has been adequately compacted as they can interfere with the boulder-to-boulder contact of the coarse rock fills.

27. Choke layers consisting of successively finer sized crushed rock materials should be provided at the top of the coarse rock fill or boulder fill prior to the placement of fined grained soil fills to prevent future migration of the fines into the coarse rock fill, and before attaining the minimum vertical clearances recommended above for the placement of the coarse rock fills.

- a. The initial choke layer over the coarse rocks and boulder should consist of a 12-inch thick layer of well-graded cobble-sized material of 4 inches to 12 inches in size. It should be tracked into place with a D-8, or larger, dozer until it forms a dense, unyielding layer.
- b. The second and final layer of choke material should consist of at least a 6-inch layer of minus 6-inch well graded crushed rock materials placed and compacted with a heavy vibratory compactor such as a Raygo 400, or its equivalent, imparting at least 27,000 foot-pounds of dynamic force to the underlying choke layer.

28. Once the final choke layer has been placed and compacted, at least 5 feet of the finer grained minus 6-inch well-graded crushed rock fill (or more where deep utilities are anticipated) should be placed over the final choke layer of the coarse rock fill to complete the site grading.

### **Utilities & Site Improvements**

29. Utilities and site improvements should be installed and backfilled in accordance with Section 206 of the Standard Specifications and the Grading recommendations of this report using the appropriate mechanical compactor above and around the pipes. Jetting, flooding, or ponding techniques should not be allowed as a method of compacting the backfill.

30. Hard intact basalt should be anticipated as shallow as 1 foot below the existing ground surface. The use of heavy rock excavating equipment such as hoe-rams should be anticipated for the utility trench excavations and other site excavations into the basalt.

31. Where rock is found at the invert of the utilities at the bottom of the trench, at least 6 inches of pipe cushion or bed course should be placed over the rock to minimize the potential for point loads on the pipes. The actual thickness of the cushion or bed course should be in accordance with the applicable sections of the Standard Specifications for each type of utility, but should not be less than 6 inches.

32. The well-graded minus 6-inch crushed rock fills will have little or no binder and will be susceptible to raveling and caving. Shielding, shoring, and bracing should be provided by the contractor for the work on the utilities and other deep site excavations in accordance with HIOSH to protect the workers in the excavations. The design and installation of the shoring system should be the responsibility of the contractor.

33. Site improvements such as manholes and drainage inlets can be supported on shallow foundation systems such as mat foundations, individual spread foundations, continuous line foundations, or a combination of these types provided the Grading recommendations have been followed. This will assure that the residual soils have been removed and replaced with compacted fill and that the fill has been compacted to at least 90 percent relative compaction prior to the construction of the improvements and their foundations.

34. Shallow foundations should be founded at least 12 inches below the lowest adjacent compacted subgrade on level ground. The embedment may be reduced to 6 inches into intact basalt where the foundations bear on rock. Foundations on slopes or within 7 feet of the top of



slopes should be embedded such that there is at least 7 feet of horizontal setback from the lower outside edge of the footing to the compacted slope face.

35. Continuous footings should have a minimum base width of 12 inches, while individual spread foundations should have a base width of at least 18 inches. Foundations may be founded on the fill compacted in accordance with the recommendations herein, saprolite, decomposed rock or the natural basalt formations. However, individual spread footings and mat foundations should be founded on the same materials throughout their contact area.

36. Any soft spots encountered in the foundation excavations should be removed down to compacted fill, or hard natural materials, and the resulting depression backfilled in accordance with the Grading recommendations. Soil-filled holes found in the intact basalt should be cleaned out and backfilled with low-cost concrete.

37. Footings may be founded on the compacted fill, saprolite or decomposed rock, where an allowable bearing capacity of 3,000 psf may be used for the design of the footings. Mat foundations should be dimensioned such that the contact pressure of the mat does not exceed 2,000 psf. Foundations embedded at least 6 inches into the intact basalt may be designed for an allowable bearing capacity of 5,000 psf. These values may be increased by one-third for short-term wind or seismic loads.

38. The bottom of the foundations excavations in fill, saprolite or decomposed rock should be compacted to at least 90 percent relative compaction as determined by Laboratory Compaction Test ASTM D1557. Loose materials within the foundation trenches should be removed prior to the placement of the reinforcing steel and concrete.

39. The walls of the below-grade improvements such as drainage inlets and manholes may be designed for an at-rest lateral earth pressure of 60 p.c.f. equivalent fluid pressure assuming the backfill behind the walls consists of the recommended fill materials indicated in the Grading Recommendations. This pressure does not include foundation, surcharge, or hydrostatic pressure, which must be added where appropriate.

40. Weepholes should be provided in the walls of the drainage inlets or catch basins to minimize the accumulation of water within the base course layers of the adjacent pavements.

Filter material, approximately 1 cubic foot in volume, and consisting of a free-draining granular material such as ASTM C33 No. 67 aggregate, wrapped in a non-woven geotextile filter fabric, should be provided in front of each weephole. Care must be taken in the construction of the filter materials in front of the weephole to maintain the hydraulic conductivity between the base course for the pavements and the weepholes.

41. Backfill around the improvements should be placed and compacted in accordance with the Grading recommendations of this report using small light equipment to minimize the lateral earth pressures against the improvement walls.

42. Steel reinforcement of the improvements and their foundations should be provided as recommended by the Project Structural Engineer. Total and differential settlements of the foundations for the improvements exceeding ¼ inch are not anticipated under the light loading conditions typical of site improvements.

43. Assuming the soil and rock conditions found in the borings extend to a depth of at least 100 feet below the existing ground surface, we believe the site of the substation and the alignment of the poles is likely designated as Site Class B, "Rock," due to the predominance of the basalt formations underlying the area.

### **Pavements**

44. It is anticipated that once the shopping center grading has been completed, the subgrade soils beneath the planned pavements should consist of either the natural basalt formations, saprolite, decomposed rock or fill meeting the requirements of the Grading recommendations of this report.

- a. Based on these results, we believe that a minimal pavement section of 2 inches of Asphalt Concrete Paving (ACP), over 6 inches of Aggregate Base Course, placed on the compacted subgrade should be sufficient for the anticipated light passenger car traffic and utility trucks.
- b. The thickness of the ACP course should be increased to 3 inches in heavy traffic areas, or where heavy truck traffic is anticipated.

45. The composition of the Aggregate Base Course should conform to Section 703.06 of the Standard Specifications. The subgrade should be shaped to drain and be compacted to at least

95 percent relative compaction for a minimum depth of 6 inches prior to the placement of the base course.

46. The above pavement section is provided for preliminary design and cost-estimating purposes. The actual pavement will depend on the materials encountered at the pavement subgrade levels. The final pavement section should be based on the results of CBR tests obtained on samples of the subgrade soils during construction.

#### **Quality Control**

47. The site preparation, grading and backfilling operations, including the proof-rolling operations, should be observed by FGE to determine whether the anticipated conditions are encountered.

48. Intermittent, random field density tests should be taken to determine whether the specified levels of compaction are being consistently obtained in the finer grained fills, backfills, and the existing ground to receive fill. Field density testing is not appropriate to evaluate the compaction of the minus 6-inch fill materials; compaction of the minus 6-inch fills must be visually observed on a full-time basis.

49. Samples of proposed fill materials should be submitted to FGE no less than 7 working days prior to its intended jobsite delivery to allow adequate time for testing, evaluation, and approval.

50. Excavations for the site improvements should be observed by FGE to determine whether the anticipated bearing materials are being encountered. The recommendations given herein are contingent on adequate monitoring of the geotechnical phases of the construction by FGE.

#### **Limitations**

51. This report has been prepared for the exclusive use of **Piilani Promenade South, LLC** for the proposed **Mass Grading of Lots 2C and 2D** of the **Piilani Promenade South Shopping Center** in Kihei, Maui, Hawaii. In the performance of this investigation and the preparation of this report, FGE has strived to perform our work in general accordance with accepted geotechnical engineering practices and principles in Hawaii. No other warranty, expressed or implied is made. The limitations of the investigation and this report are detailed in Appendix C.

/ajs:tjc:fse

## APPENDIX A

### Subsurface Investigation Summary

**Project Designation:** Piilani Promenade South Shopping Center      **File:** 3051.01  
**Location:** Kihei, Maui, Hawaii  
**Project Location Map:** Figure 1  
**Boring Location Plan:** Figure 2  
**Drilling Contractor:** Hawaii Test Borings, Inc.  
**Drilling Equipment:** Mobile B-53  
**Drilling Method:**      /x/ 4-inch Auger      /x/ Wash  
                                 /x/ NX Core      // HQ Core

#### Boring Summary:

<u>Boring</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>NX Core</u>	<u>Depth to Water Table<sup>1</sup></u>	<u>Water Table Elevation<sup>2</sup></u>	<u>Boring Log Figure No.</u>
12	10.0'	4	0.0'	N.E.	N.A.	3
13	21.0'	5	11.0'	N.E.	N.A.	4
14	17.0'	4	11.5'	N.E.	N.A.	5
15	22.5'	4	14.7'	N.E.	N.A.	6
16	30.0'	4	21.0'	N.E.	N.A.	7
17	20.0'	2	18.5'	N.E.	N.A.	8
18	16.5'	6	8.0'	N.E.	N.A.	9
19	15.0'	2	11.0'	N.E.	N.A.	10
20	30.0'	4	23.0'	N.E.	N.A.	11
21	19.5'	5	12.5'	N.E.	N.A.	12
22	30.5'	7	21.0'	N.E.	N.A.	13
23	25.5'	4	18.0'	N.E.	N.A.	14
24	25.0'	2	21.5'	N.E.	N.A.	15
25	<u>25.0'</u>	<u>2</u>	<u>21.0'</u>	N.E.	N.A.	16
Totals	307.5'	55	212.7			

**Date Started:** 5-9-11      **Date Completed:** 5-26-11

#### Test Pit Summary:

<u>Test Pit</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>Depth to Water Table</u>	<u>Test Pit Log Figure No.</u>
TP10	5.0'	1	N.E.	17
TP11	7.0'	3	N.E.	18
TP12	4.0'	1	N.E.	19
TP13	4.5'	1	N.E.	20
TP14	3.5'	1	N.E.	21
TP15	7.0'	2	N.E.	22
TP16	8.5'	2	N.E.	23
TP17	6.5'	1	N.E.	24
TP18	6.5'	2	N.E.	25

## **APPENDIX A (Continued)**

### **Subsurface Investigation Summary**

**Project Designation:** Piilani Promenade South Shopping Center **File:** 3051.01

**Location:** Kihei, Maui, Hawaii

#### **Test Pit Summary (Continued):**

<u>Test Pit</u>	<u>Depth</u>	<u>Number of Samples</u>	<u>Depth to Water Table</u>	<u>Test Pit Log Figure No.</u>
TP19	1.0'	1	N.E.	26
TP20	<u>7.5'</u>	2	N.E.	27
Totals	61.0'	17		

**Date Started:** 5-4-11 **Date Completed:** 5-5-11

#### **Boring Log Legend:**

Figure 28

#### **Rock Core Photographs:**

Boring 13	Figure 29
Boring 14	Figure 30
Boring 15	Figure 31
Boring 16	Figure 32
Boring 17	Figure 33
Boring 18	Figure 34
Boring 19	Figure 35
Boring 20	Figure 36
Boring 21	Figure 37
Boring 22	Figure 38
Boring 23	Figure 39
Boring 24	Figure 40
Boring 25	Figure 41





**LEGEND:**



PROJECT LOCATION

SCALE: 1:24000

**GENERAL AREA:**

KIHEI, MAUI, HAWAII

**REFERENCE:**

PUU O KALI QUADRANGLE

U.S.G.S. TOPOGRAPHIC MAP



F.G.E.

**PROJECT LOCATION MAP**

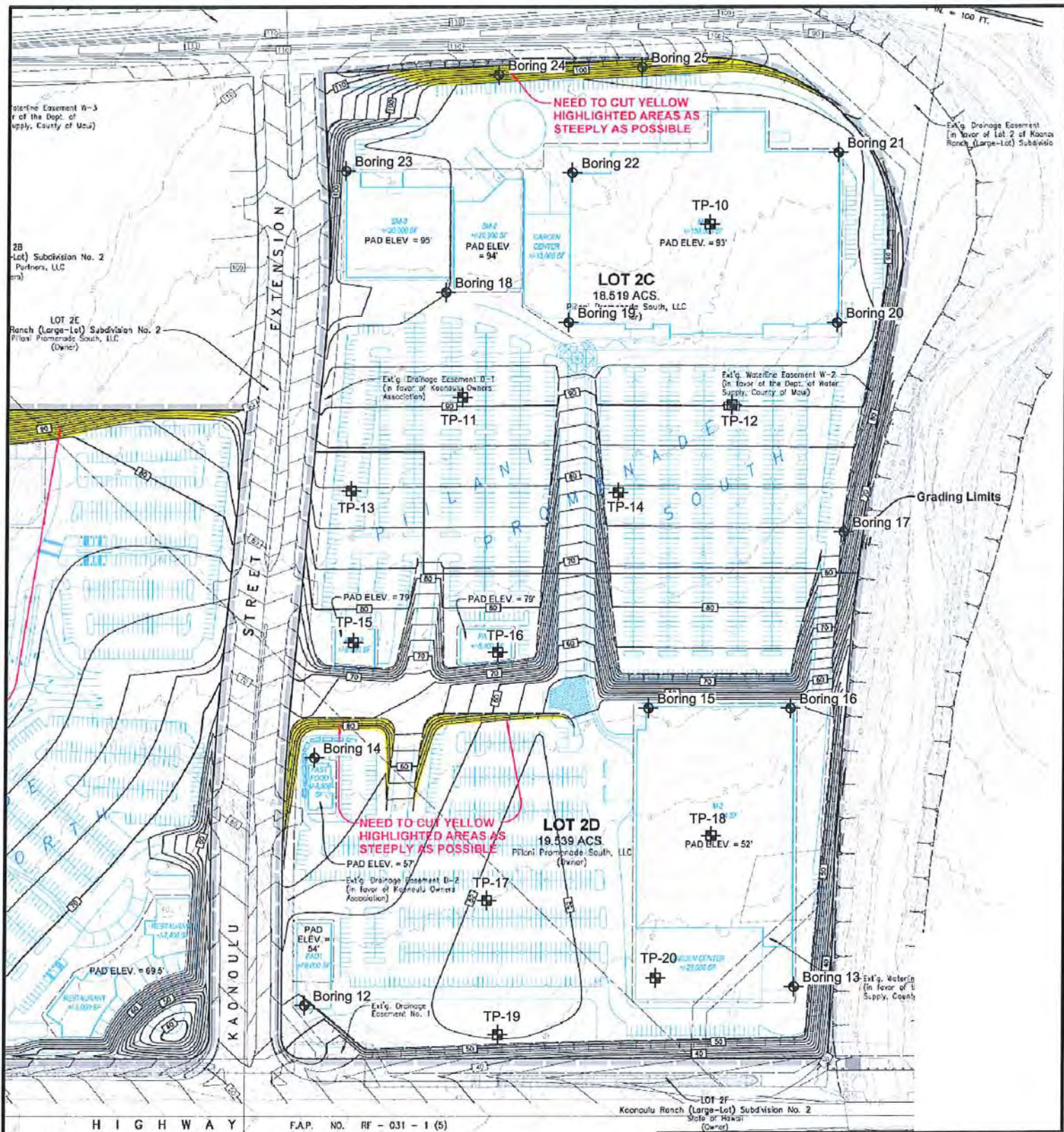
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 1**





## LEGEND

N

## APPROXIMATE SCALE IN FEET



- ⊕ APPROXIMATE FGE BORING LOCATION
- ⊕ APPROXIMATE FGE TEST PIT LOCATION



FEWELL GEOTECHNICAL ENGINEERING, LTD.

## BORING LOCATION PLAN

Pillani Promenade South Shopping Center  
Kihai, Maui, Hawaii

File: 3051.01

August 2011

Figure 2





F.G.E. Ltd.

**Boring:** 12  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 46'±  
**Depth to Water:** None Encountered (5/21/11, 3:18pm)  
**Date Completed:** 5-17-11

**File:** 3051.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
Swell= 0.0% LL= 11, PI= 37	12	81	40/3" R (28)	1	0	Brown SILT (ML) with roots to 4", loose, dry
	14	72	70 (47)	2	1	Gray Sandy SILT (ML) with remnant rock structure, hard, moist
			25 (19)	3	2	
			50 (34)	4	3	
					4	(SAPROLITE)
					5	
					6	
					7	
					8	
					9	
					10	BOH @ 10.0'
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

Figure 3



F.G.E. Ltd.

**Boring:** 13

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 37'±

**Depth to Water:** None Encountered (5/21/11, 2:10pm)

**Date Completed:** 5-9-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
LL= 37, PI= 14  Direct Shear: C= 1,000psf Ø= 39° Swell= 0.8% S.I.= 0.03 LL= 37, PI= 14			26 (20)	1		Brown SILT (ML) with roots to 2", hard, dry
	23	72	74/5" (50/5")	2		Gray/Brown Sandy SILT (ML) with remnant rock structure, hard, moist
	23	63	59 (40)	3	5	
	23	72	71 (48)	4		
			REC=88% RQD=75%	5 NX Core	10	(SAPROLITE)
			REC=73% RQD=71%	NX Core	15	Gray Slightly Weathered BASALT (WS), hard, occasional broken to massive
			REC=100% RQD=98%	NX Core	20	
					25	
					30	
					35	
						BOH @ 21.0'

**Figure 4**



F.G.E. Ltd.

**Boring:** 14  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 63'±  
**Depth to Water:** None Encountered (5/21/11, 2:35pm)  
**Date Completed:** 5-18-11

**File:** 3051.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

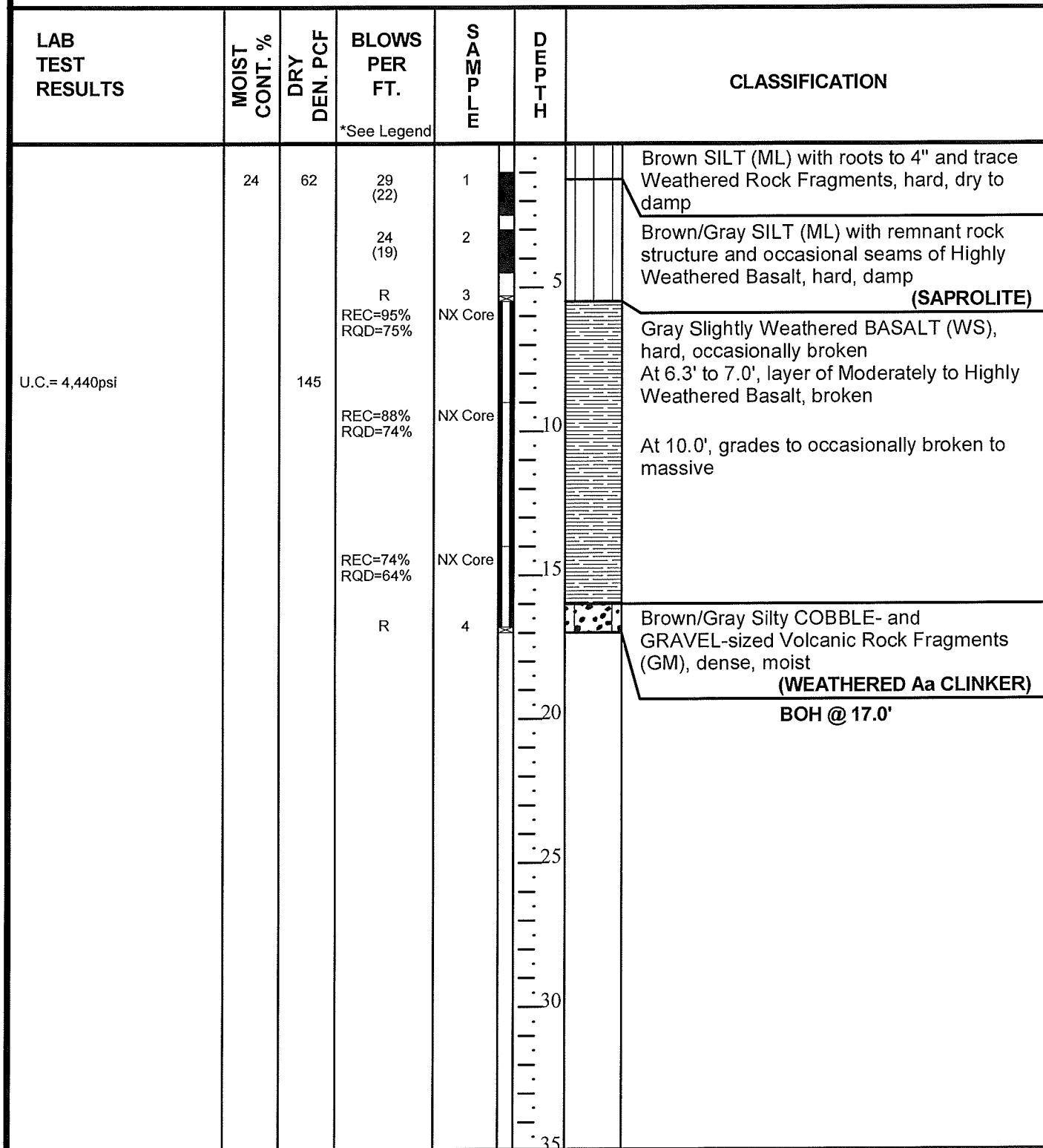
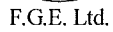


Figure 5



**Date Completed:** 5-13-11

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
LL= 49, PI= 4          U.C.= 2,710psi	30	48	25 (19)	1	0	Brown SILT (ML) with roots to 4", dry to damp
	20	79	50/3" (34/3")	2	5	Gray/Brown SILT (ML) with remnant rock structure and occasional Highly Weathered Basalt sections, hard, damp
	25	100	50/2" (34/2") REC=53% RQD=50%	3 NX Core	10	(SAPROLITE) Gray Highly Weathered BASALT (WH-WM), soft to medium hard, very broken
		126	REC=100% RQD=99%	NX Core	15	Gray Slightly Weathered BASALT (WS), medium hard, massive
			42/6" R REC=90% RQD=88%	4 NX Core	20	Red/Gray GRAVEL-sized Volcanic Rock Fragments (GP), dense (Aa CLINKER)
			REC=100% RQD=100%	NX Core	25	VOID
					30	Gray Fresh BASALT (F), hard, massive
					35	
						BOH @ 22.5'

**Figure 6**



F.G.E. Ltd.

**Boring:** 16

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 56'±

**Depth to Water:** None Encountered (5/21/11, 8:40am)

**Date Completed:** 5-16-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 600psf Ø= 45° Swell= 1.3% S.I.= 0.06  LL= 43, PI= 3 Direct Shear: C= 800psf Ø= 45° Swell= 0.2% S.I.= 0.01  U.C.= 10,970psi	31	69	45 (31)	1	0	Light Brown SILT (ML) with roots to 4" and trace Weathered Rock Fragments, hard, dry to damp
	20	76	60 (41)	2	1	Gray SILT (ML) with remnant rock structure, hard, damp
	12		60/9" (41/9")	3	2	(SAPORLITE)
			50/2" REC=100% RQD=88%	4	3	Gray Highly Weathered BASALT (WH), soft, broken
			REC=100% RQD=100%	NX Core	4	Gray Slightly Weathered BASALT (WS), hard, occasionally broken to massive
			REC=100% RQD=100%	NX Core	5	At 11.0', grades massive
			REC=100% RQD=100%	NX Core	6	At 19.0', grades occasionally broken to broken
					7	BOH @ 24.0'
					8	
					9	
					10	
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

Figure 7



F.G.E. Ltd.

**Boring:** 17

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 68'±

**Depth to Water:** None Encountered (5/29/11, 7:20am)

**Date Completed:** 5-26-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *See Legend	S A M P L E	D E P T H	CLASSIFICATION
			REC=100% RQD=0%	NX Core	0	Brown SILT (ML) with roots to 4", hard, damp
			REC=69% RQD=51%	NX Core	1	Gray Moderately Weathered BASALT (WM) with Silt in fractures, medium hard, broken to very broken
					5	Gray Slightly Weathered BASALT (WS), hard, massive
			R REC=0% RQD=0% 20/3"	1 HQ Core	6	Gray Moderately to Highly Weathered BASALT (WM-WH) with seams of Silty Gravel- and Cobble-sized Basalt Fragments, medium hard, broken
			REC=100% RQD=73%	2 HQ Core	10	Gray Slightly Weathered BASALT (WS), hard, broken to massive
			REC=78% RQD=73%	HQ Core	15	
			REC=100% RQD=98%	HQ Core	20	At 17.0', grades Vesicular
					25	
					30	
					35	
						<b>BOH @ 20.0'</b>

**Figure 8**



F.G.E. Ltd.

**Boring:** 18

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 98'±

**Depth to Water:** None Encountered (5/21/11, 6:00am)

**Date Completed:** 5-19-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
LL= 60, PI= 18 Direct Shear: C= 930psf Ø= 28° Swell= 1.0% S.I.= 0.04	30	72	30 (28)	1	0	Light Gray and Brown Clayey SILT (MH) with roots to 3" and remnant rock structure, hard damp <b>(SAPROLITE)</b>
			52 (35)	2	1	
	26	64	44 (30)	3	5	Light Gray Sandy SILT (ML) with some remnant rock structure, hard, damp <b>(SAPROLITE)</b>
	26	64	R	4	10	Gray Slightly Weathered Vesicular BASALT (WS) with occasional seams of Gravel-sized Rock Fragments (Aa Clinker), medium hard, massive <b>(SAPROLITE)</b>
			REC=83% RQD=72%	NX Core	10	
			R REC=69% RQD=56%	5 NX Core	15	VOID
			R	6	15	Gray Slightly Weathered Vesicular BASALT (WS), hard, massive
					16.5	Red/Gray GRAVEL-sized Basalt Fragments (GP), very dense <b>BOH @ 16.5'</b>
					20	
					25	
					30	
					35	

**Figure 9**





F.G.E. Ltd.

**Boring:** 19

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 94'±

**Depth to Water:** None Encountered (5/21/11, 5:50am)

**Date Completed:** 5-20-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
Direct Shear: C= 680 psf Ø= 23° Swell= 0.6% S.I.= 0.02 LL= 53, PI= 16	22	68	51 (35)	1		Light Gray/Brown Clayey SILT (MH) with remnant rock structure, roots to 4" and Weathered Rock Fragments, hard, damp <b>(SAPROLITE)</b>
	16	77	R REC=100% RQD=65%	2 NX Core	5	Gray Highly Weathered BASALT (WH), soft, very broken
			REC=46% RQD=0%	NX Core		Gray Slightly to Moderately Weathered BASALT (WS-WM), medium hard, occasionally broken
			REC=78% RQD=78%	NX Core	10	Brown Silty GRAVEL-sized Volcanic Rock Fragments (GM), dense, damp <b>(WEATHERED Aa CLINKER)</b>
					15	Gray Slightly Weathered Vesicular BASALT (WS), hard, occasionally broken to massive
					20	<b>BOH @ 15.0'</b>
					25	
					30	
					35	

Figure 10



F.G.E. Ltd.

**Boring:** 20

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 79'±

**Depth to Water:** None Encountered (5/21/11, 8:15am)

**Date Completed:** 5-16-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *See Legend	S A M P L E	D E P T H	CLASSIFICATION
	17	75	78/10" (52/10")  R REC=93% RQD=93%	1		Brown SILT (ML) with roots to 3", hard, damp ( <b>RESIDUAL</b> )
				2		Gray and Brown Highly Weathered BASALT (WH), soft, very broken
				NX Core	5	Gray Slightly Weathered BASALT (WS), hard, massive
			REC=53% RQD=42%	NX Core	10	
			7	3	15	Gray and Brown GRAVEL-sized Basalt Fragments (GP), loose to medium dense, damp
			REC=25% RQD=0%	NX Core		
			27 (21)	4	20	(Aa CLINKER)
			REC=64% RQD=55%	NX Core		Gray Slightly Weathered Vesicular BASALT (WS), hard, occasional broken to massive
			REC=100% RQD=100%	NX Core	25	
					30	
					35	BOH @ 30.0'

Figure 11



F.G.E. Ltd.

**Boring:** 21

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 92'±

**Depth to Water:** None Encountered (5/21/11, 7:39am)

**Date Completed:** 5-17-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
	18	70	43 (30)	1	0	Brown SILT (ML) with roots to 4", hard, damp ( <b>RESIDUAL</b> )
	18	84	R	2	1	Gray/Brown Highly Weathered BASALT (WH) with occasional Moderately Weathered seams, soft, very broken
			R REC=33% RQD=22%	3 NX Core	5	Gray Slightly Weathered BASALT (WS), hard, occasionally broken
			R R REC=0% RQD=0%	4 5 NX Core	10	Gray/Brown Silty COBBLE- and GRAVEL-sized Volcanic Rock Fragments (GM), very dense, damp ( <b>WEATHERED Aa CLINKER</b> )
			REC=88% RQD=79% REC=100% RQD=92%	NX Core		Gray Slight Weathered BASALT (WS), hard, occasional broken At 11.5' grades massive
			REC=100% RQD=100% REC=99% RQD=78%	NX Core NX Core	15	
					20	At 18.0', grades Vesicular
					25	
					30	
					35	
						<b>BOH @ 19.5'</b>

**Figure 12**



F.G.E. Ltd.

**Boring:** 22  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 108'±  
**Depth to Water:** None Encountered (5/21/11, 7:10am)  
**Date Completed:** 5-19-11

**File:** 3051.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
U.C. = 7,820psi	23	71	40/4" (28/4")	1	0	Brown SILT (ML) with roots to 3", hard, damp ( <b>RESIDUAL</b> )
	13		45/4" (31/4")	2	1	Gray/Brown Silty SAND (SM) with remnant rock structure and occasional Highly Weathered Basalt seams, very dense, damp ( <b>SAPROLITE</b> )
			R REC=82% RQD=76%	3 NX Core	5	Gray Slightly Weathered BASALT (WS), hard, occasionally broken to massive
			REC=96% RQD=88%	NX Core	10	At 8.5', seam of Aa Clinker At 9.0' grades to massive
		166				
			R REC=81% RQD=22%	4 NX Core	15	VOID
			7	5		Brown/Gray Moderately Weathered Vesicular BASALT (WM), with occasional seams of Fresh Basalt, hard, broken
			REC=37% RQD=23%	NX Core	20	
			R REC=37% RQD=23%	6 NX Core		Gray Slightly to Moderately Weathered Vesicular BASALT (WS-WM) with occasional layers of dense Aa Clinker, hard, broken to occasionally broken
			45	7	25	
U.C. = 2,110psi		134	REC=100% RQD=54%	NX Core		
			REC=100% RQD=47%	NX Core		
			REC=100% RQD=46%	NX Core	30	
					35	BOH @ 30.5'

**Figure 13**



F.G.E. Ltd.

**Boring:** 23  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 110'±  
**Depth to Water:** None Encountered (5/21/11, 6:20am)  
**Date Completed:** 5-20-11

**File:** 3051.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
Gradation: Gravel= 25% Sand= 63% Silt/Clay= 12%  U.C. = 9,320psi  U.C. = 3,730psi	22	176	70/4" (47/4")  REC=40% RQD=25%	1	0	Brown SILT (ML) with roots to 3", hard, dry
				2	1	Gray Sandy SILT (ML) with remnant rock structure and occasional Gravel-sized Volcanic Rock Fragments, hard, damp ( <b>SAPROLITE</b> )
				NX Core	5	Gray Slightly Weathered BASALT (WS), hard, massive to occasionally broken
				3	10	Brown Silty SAND and GRAVEL-sized Volcanic Rock Fragments (SM-GM), medium dense
				4	10	(Aa CLINKER)
				NX Core	15	Gray Slightly Weathered Vesicular BASALT (WS), hard, massive
				NX Core	20	
				NX Core	25	Brown/Gray Slightly Weathered BASALT (WS), hard, very broken to broken
					25	Gray Fresh BASALT (F), hard, massive
					25.5	BOH @ 25.5'
			REC=100% RQD=95%		30	
			REC=100% RQD=100%		35	
			REC=95% RQD=73%			

Figure 14



F.G.E. Ltd.

**Boring:** 24  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 112'±  
**Depth to Water:** None Encountered (5/21/11, 6:47am)  
**Date Completed:** 5-20-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT. <small>*See Legend</small>	SAMPLE	DEPTH	CLASSIFICATION
LL= 48, PI= 11	18	66	28 (21)	1		Reddish Brown SILT (ML) with roots to 3" and some Sand, hard, damp
			R REC=100% RQD=99%	2 NX Core		(RESIDUAL)
U.C.= 4,370psi		146	REC=97% RQD=97%	NX Core	5	Gray Slightly Weathered BASALT (WS), hard, massive
			REC=100% RQD=98%	NX Core	10	
			REC=100% RQD=98%	NX Core	15	
			REC=100% RQD=98%	NX Core	20	
U.C.= 3,170psi		138	REC=100% RQD=100%	NX Core	25	At 21.0', 4" layer of Aa Clinker
					25	BOH @ 25.0'
					30	
					35	

Figure 15



F.G.E. Ltd.

**Boring:** 25

**Project:** Piilani Promenade South Shopping Center

**Location:** Kihei, Maui, Hawaii

**Surface Elevation:** 107'±

**Depth to Water:** None Encountered (5/29/11 8:35am)

**Date Completed:** 5-23-11

**File:** 3051.01

**Project Engineer:** AS

**Field Engineer:** TRN

**Drafted by:** KSL

**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DEN. PCF	BLOWS PER FT.  *See Legend	S A M P L E	D E P T H	C L A S S I F I C A T I O N
LL= 42, PI= 15	25	83	59 (40)	1		Brown SILT (ML) with roots to 4", hard, damp
	28	84	R	2		(RESIDUAL)
			REC=92% RQD=56%	NX Core	5	Gray Slightly Weathered BASALT (WS) with occasional seams of Silty Sand- and Gravel-sized Rock Fragments, trace roots, hard, broken to occasionally broken
			REC=100% RQD=94%	NX Core	10	Gray Fresh BASALT (F), hard, massive
			REC=27% RQD=0%	NX Core	15	Reddish Gray GRAVEL-sized Volcanic Rock Fragments (GP), dense (Aa CLINKER)
			REC=20% RQD=0%	NX Core		Brown Silty SAND- and GRAVEL-sized Volcanic Rock Fragments (SM-GM), dense (WEATHERED Aa CLINKER)
			REC=100% RQD=94%	NX Core	20	Gray Slightly Weathered BASALT (WS), hard, massive
			REC=100% RQD=98%	NX Core		At 18.5', grades Fresh
					25	
					30	
					35	
						BOH @ 25.0'

Figure 16





F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP10  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 94±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Highly Weathered BASALT (WH) with some Silt pockets, soft, broken
					5	Gray Highly Weathered to Moderately Weathered BASALT (WH-WM), soft to medium hard, broken to occasionally broken
						Gray Moderately Weathered BASALT (WM), occasionally broken, hard
						BOH @ 5.0'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 17



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP11  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 87±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	SAMPLE	DEPTH	CLASSIFICATION
CBR= 12.8 LL= 45, PI= 14 Swell= 0.7%	27	93		1	0	Reddish Brown SILT (ML), very stiff, damp (RESIDUAL)
				2	1	Reddish Brown Highly Weathered BASALT (WH), soft, broken
				3	5	Moderately Weathered BASALT (WM), medium hard, broken to occasionally broken
					7.0	BOH @ 7.0'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 18



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP12  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 81±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Brown SILT (ML) with Gravel and Cobbles and roots to 4", hard, dry to damp (RESIDUAL)
					5	Brown/Gray Moderately Weathered BASALT (WM), medium hard, occasionally broken BOH @ 4.0'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 19



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP13  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 83±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
	15			1	<div style="display: flex; align-items: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; width: 10px; height: 10px; margin-right: 5px;"></div> <div style="display: flex; flex-direction: column; align-items: center;"> <div style="width: 1px; height: 100%; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> <div>5</div> <div>10</div> <div>15</div> <div>20</div> <div>25</div> <div>30</div> <div>35</div> </div> </div>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Gray/Tan Highly Weathered BASALT (WH), soft to medium hard, broken</div> <div style="border: 1px solid black; padding: 2px;">Gray Moderately Weathered Highly Vesicular BASALT (WM), hard, occasionally broken</div>
						BOH @ 4.5'

Figure 20



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP14  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 77±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Brown SILT (ML) with roots to 4", stiff, damp
					1	Brown Highly Weathered BASALT (WH), soft, broken
					5	Gray Highly to Moderately Weathered Highly Vesicular BASALT (WH-WM), soft to medium hard, broken to occasionally broken
						BOH @ 3.5'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 21



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP15  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 74±'  
**Depth to Water:** None Encountered (5/4/11)  
**Date Completed:** 5-4-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Reddish Brown SILT (ML) with roots to 4", loose, dry
					5	Gray Moderately Weathered BASALT (WM) with some Highly Weathered pockets, medium hard, occasionally broken
				2	5	Reddish Brown Highly Weathered BASALT (WH), soft, broken
					10	BOH on Basalt @ 7.0'
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

Figure 22



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP16  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 67±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Brown SILT (ML) with roots, to 4", loose, dry
					1	Highly Weathered BASALT (WH), soft, broken to occasionally broken
					5	
				2	5	Gray Moderately Weathered BASALT (WM), hard, occasionally broken to massive
					10	
					15	
					20	
					25	
					30	
					35	

Figure 23





F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP17  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 50±'  
**Depth to Water:** None Encountered (5/4/11)  
**Date Completed:** 5-4-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
					0	Brown SILT (ML) with roots to 5", loose, dry
					1	
					2	
					3	
					4	
					5	Gray Slightly Weathered BASALT (WS), medium hard, occasionally broken with vertical fractures
					6	
					7	
					8	
					9	
					10	
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

Figure 24



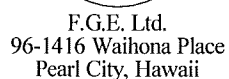
F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP18  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 48±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Reddish Brown SILT (ML) with roots to 5", trace Cobbles, very stiff, dry to damp (RESIDUAL)
				2	5	Gray Highly Weathered BASALT (WH), soft, broken
					6.5	Gray Moderately Weathered BASALT (WM), hard, occasionally broken to massive BOH @ 6.5'
					10	
					15	
					20	
					25	
					30	
					35	

Figure 25



**File:** 3051.01

**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
				1	0	Brown SILT (ML) with roots to 4", loose, dry
					1	Dark Brown Highly Weathered BASALT (WH), soft, broken
					2	
					3	
					4	
					5	
					6	
					7	
					8	
					9	
					10	
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

**Figure 26**



F.G.E. Ltd.  
96-1416 Waihona Place  
Pearl City, Hawaii

**Test Pit:** TP20  
**Project:** Piilani Promenade South Shopping Center  
**Location:** Kihei, Maui, Hawaii  
**Surface Elevation:** 38±'  
**Depth to Water:** None Encountered (5/5/11)  
**Date Completed:** 5-5-11

**File:** 3051.01  
**Project Engineer:** AS  
**Field Engineer:** TRN  
**Drafted by:** KSL  
**Date of Drawing:** August 2011

LAB TEST RESULTS	MOIST CONT. %	DRY DENS. PCF	BLOWS PER FT.	S A M P L E	D E P T H	CLASSIFICATION
CBR= 41.8 Swell= 1.1% LL= 48,PI= 12		93		1	0	Reddish Brown SILT (ML), trace Weathered Rock Fragments, hard, damp (RESIDUAL)
				2	1	
					5	Gray Highly Weathered BASALT (WH), soft, broken
					5	Gray Moderately Weathered BASALT (WM), hard, occasionally broken to massive
					10	BOH @ 7.5'
					11	
					12	
					13	
					14	
					15	
					16	
					17	
					18	
					19	
					20	
					21	
					22	
					23	
					24	
					25	
					26	
					27	
					28	
					29	
					30	
					31	
					32	
					33	
					34	
					35	

Figure 27

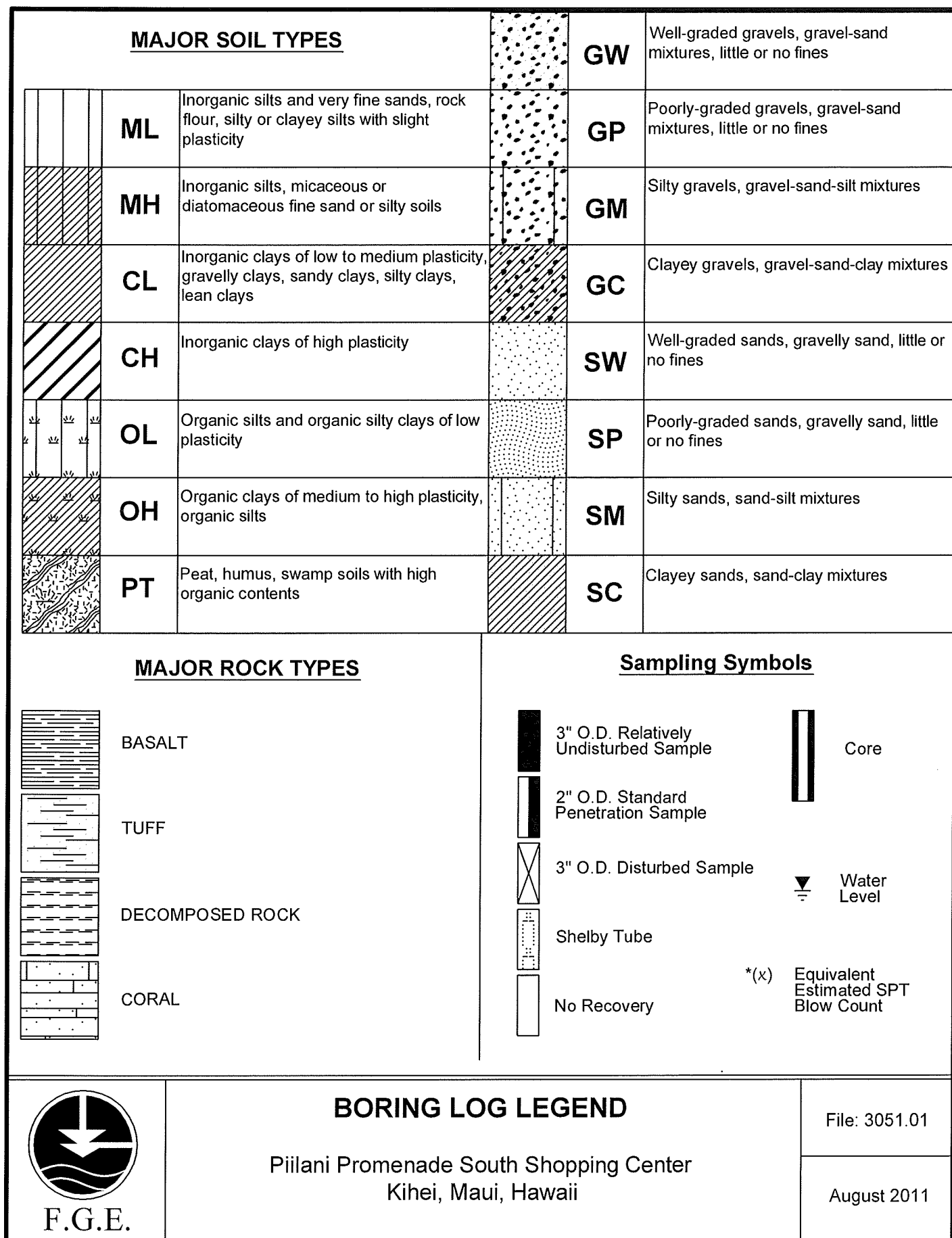
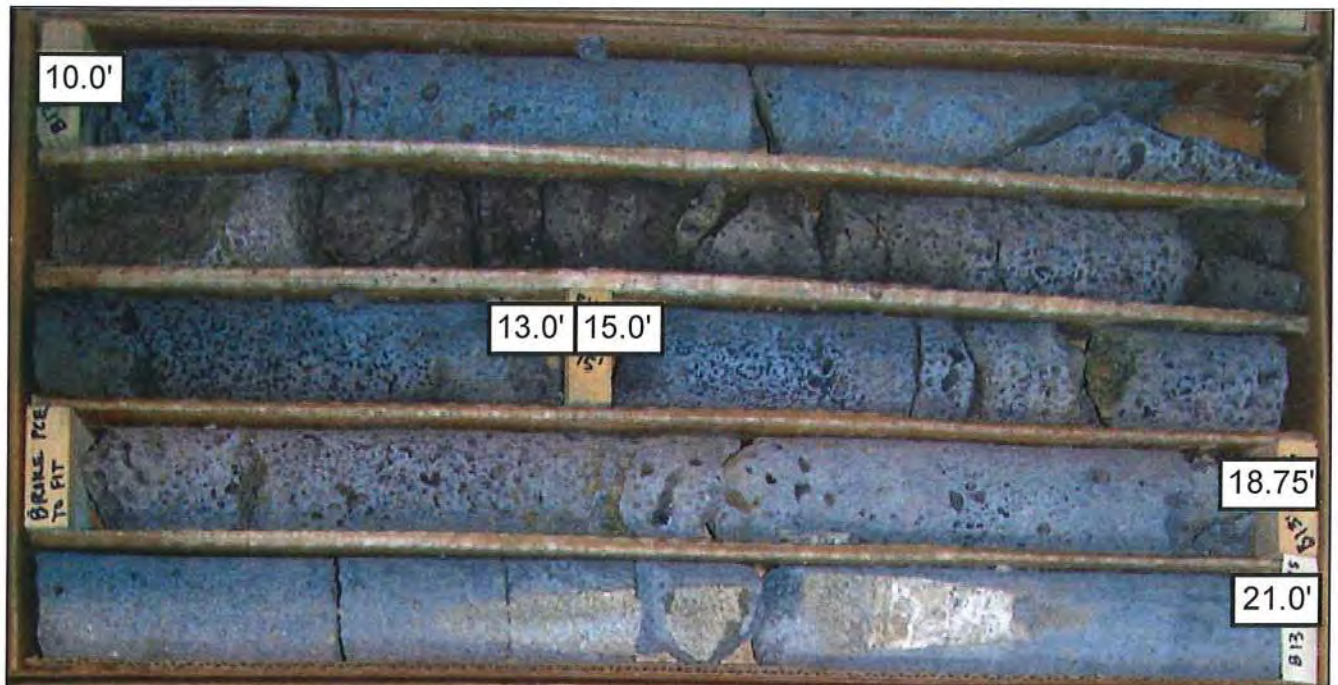


Figure 28

# Boring 13: 10.0'-21.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

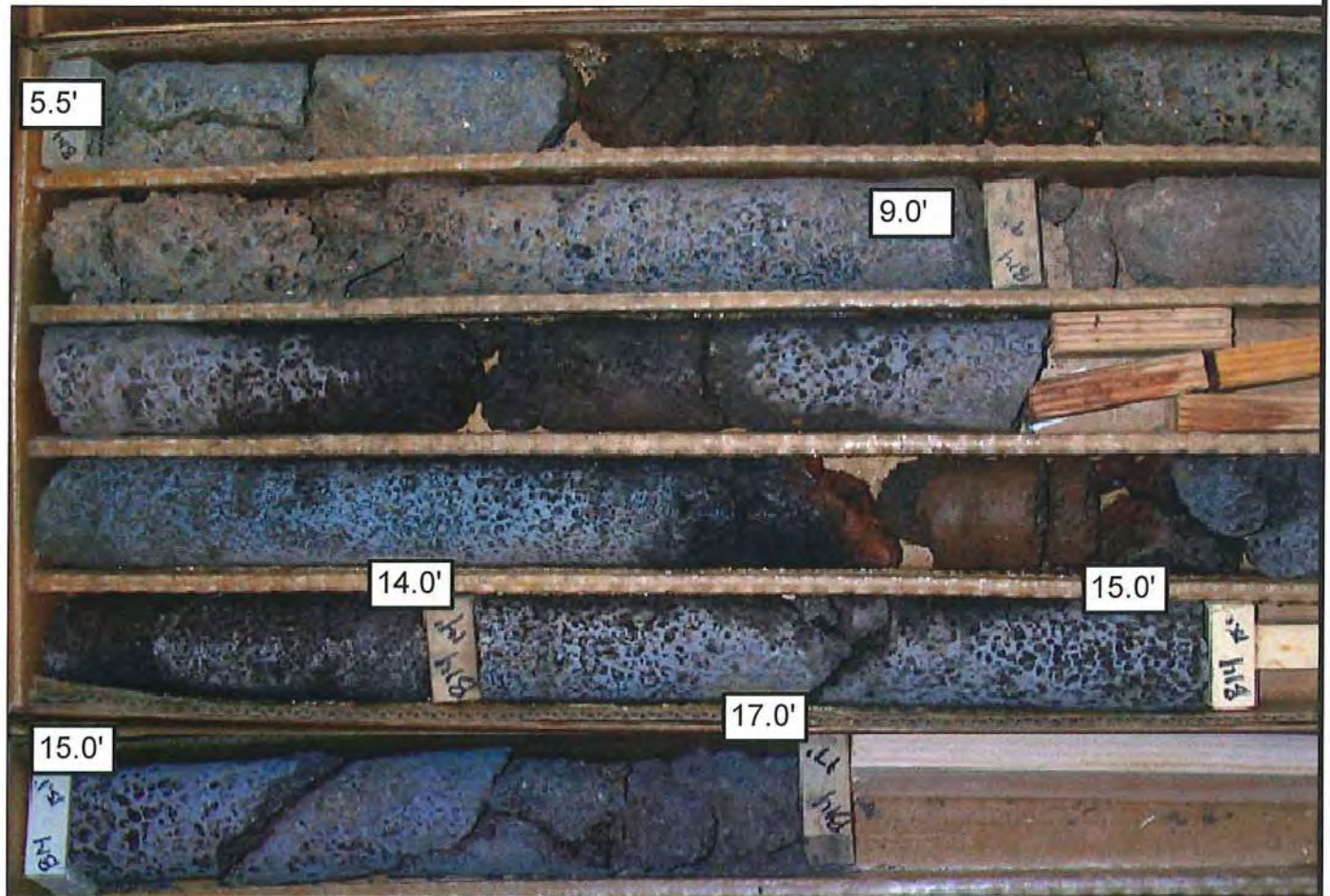
File: 3051.01

August 2011

Figure 29



# Boring 14: 5.5'-17.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 30



## Boring 15: 7.7'-18.4'



### ROCK CORE PHOTOGRAPH

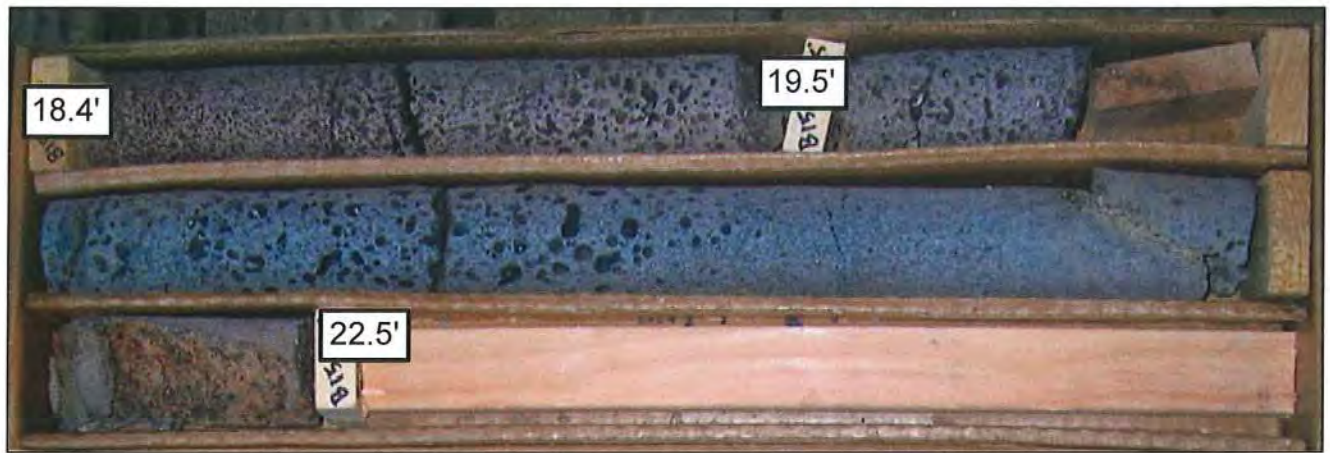
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 31a

# Boring 15: 18.4'-22.5'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 31b



# Boring 16: 9.0'-18.0'



## ROCK CORE PHOTOGRAPH

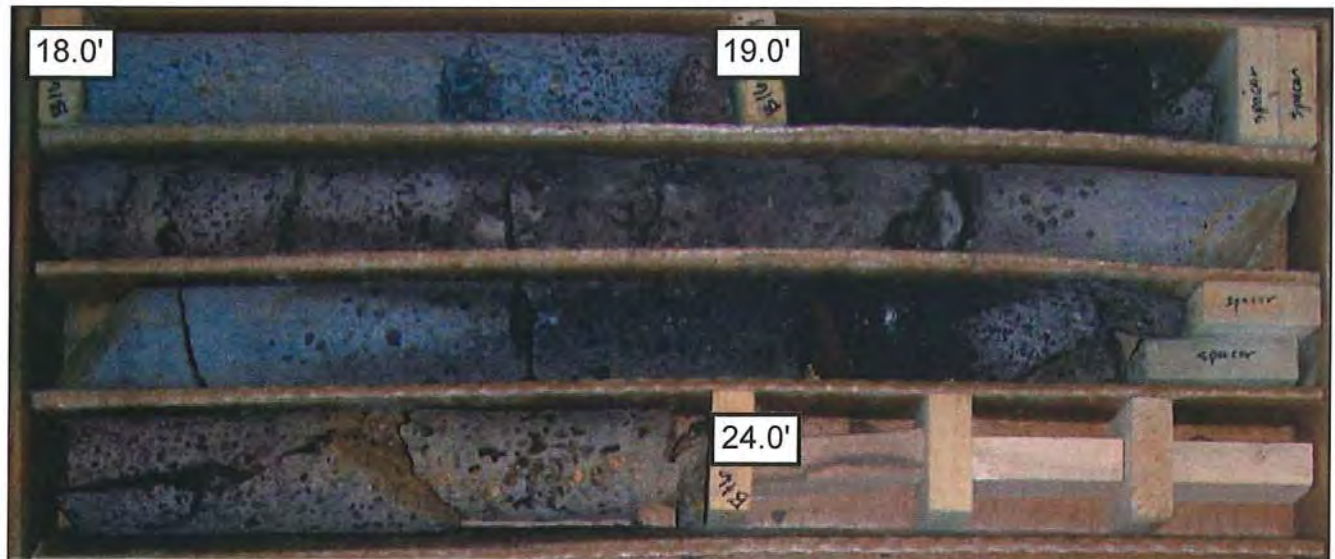
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 32a

# Boring 16: 18.0'-24.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

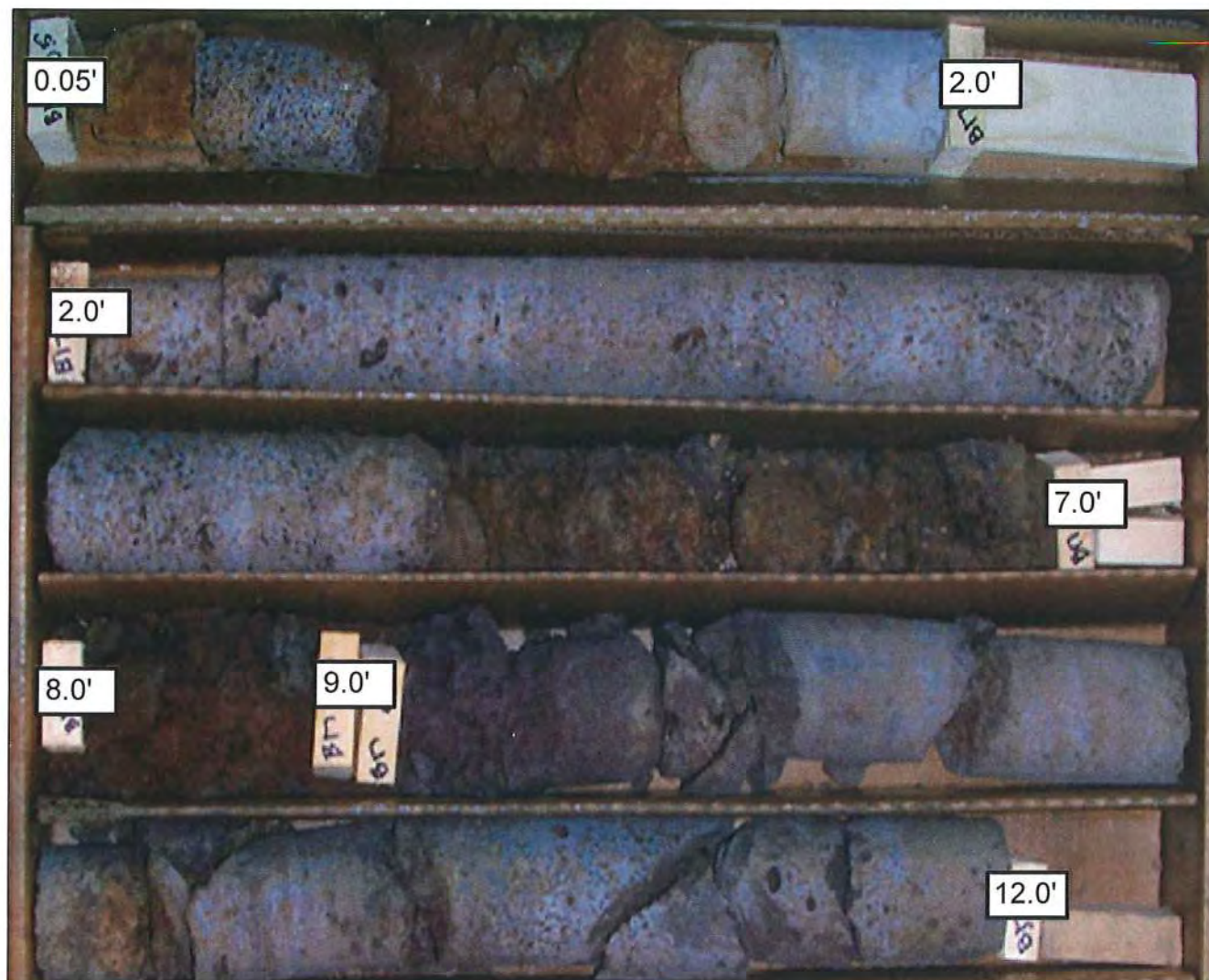
File: 3051.01

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Figure 32b



# Boring 17: 0.05'-12.0'



F.G.E.

## ROCK CORE PHOTOGRAPH

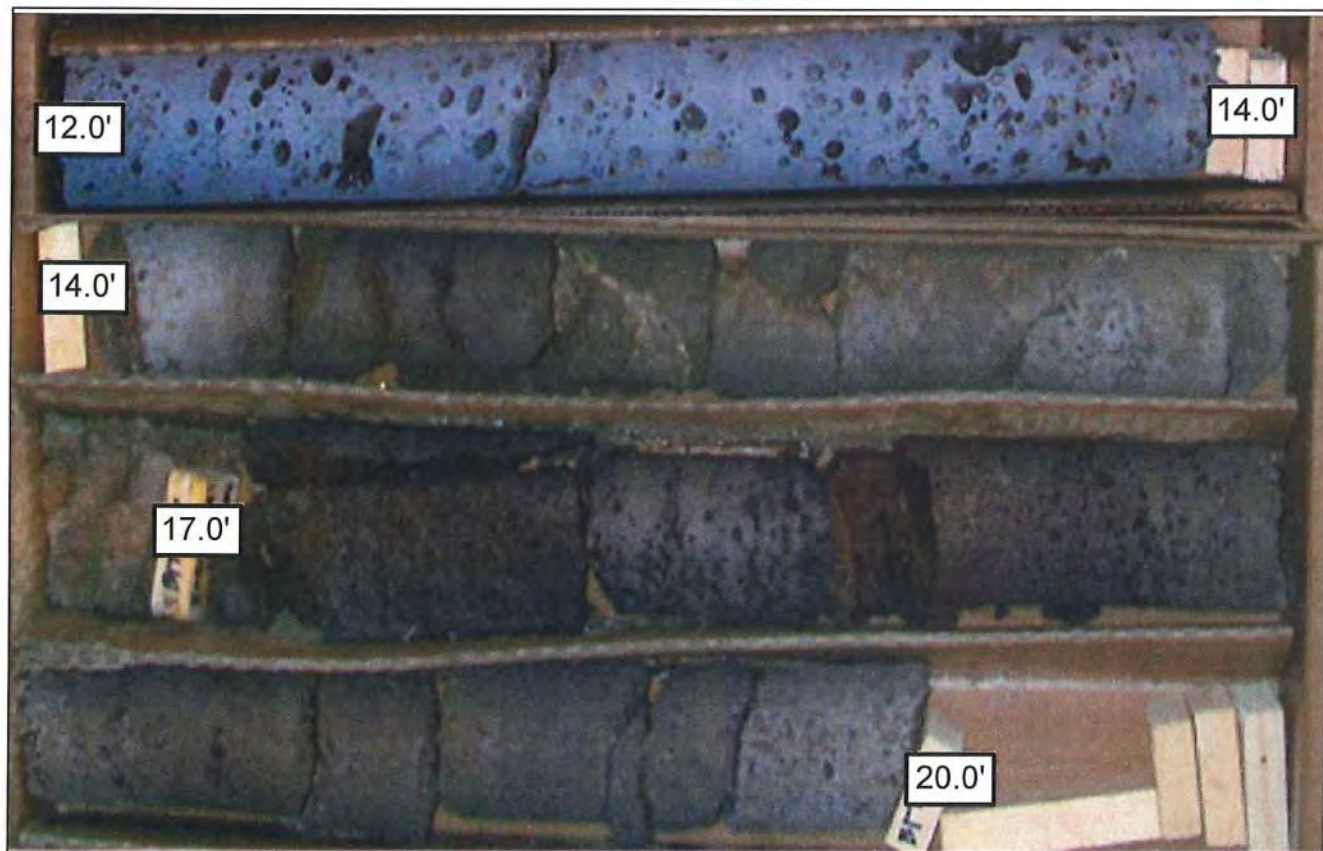
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 33a

# Boring 17: 12.0'-20.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

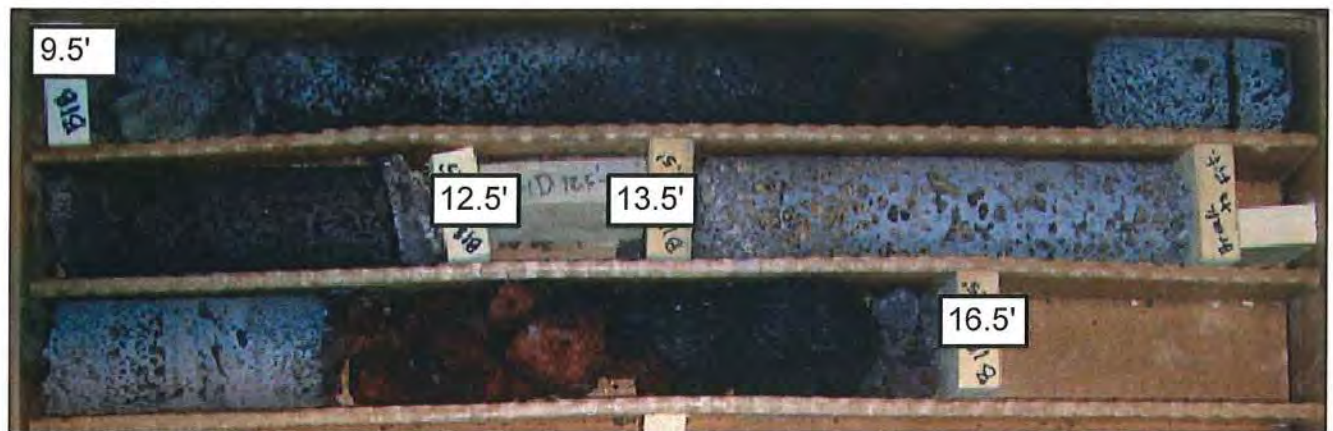
File: 3051.01

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Figure 33b



# Boring 18: 9.5'-16.5'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

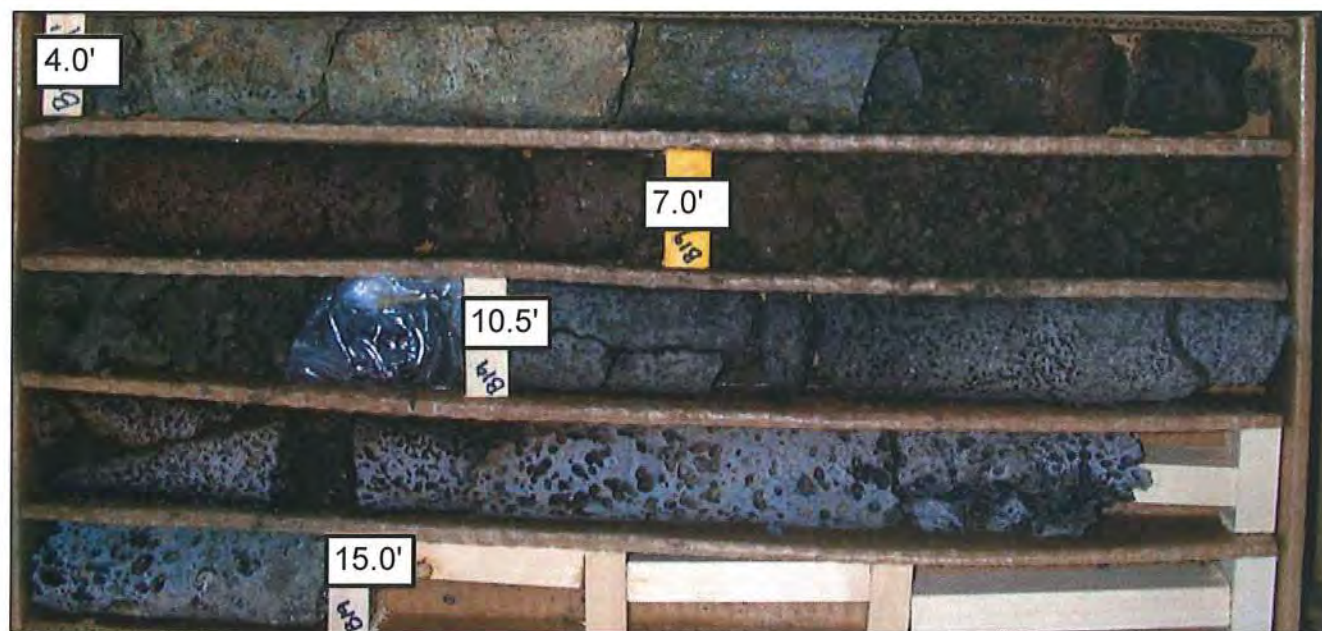
File: 3051.01

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Figure 34



# Boring 19: 4.0'-15.0'



## ROCK CORE PHOTOGRAPH

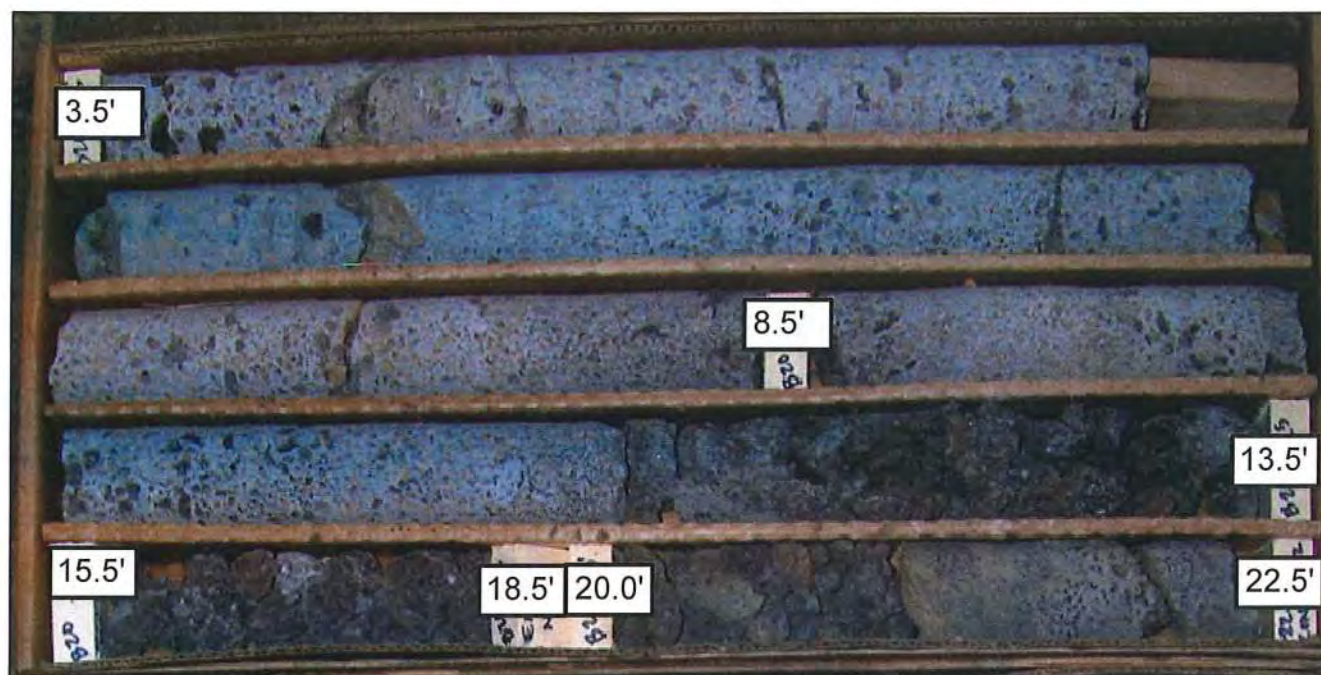
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

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Figure 35

# Boring 20: 3.5'-22.5'



F.G.E.

## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

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Figure 36a



# Boring 20: 22.5'-30.0'



## ROCK CORE PHOTOGRAPH

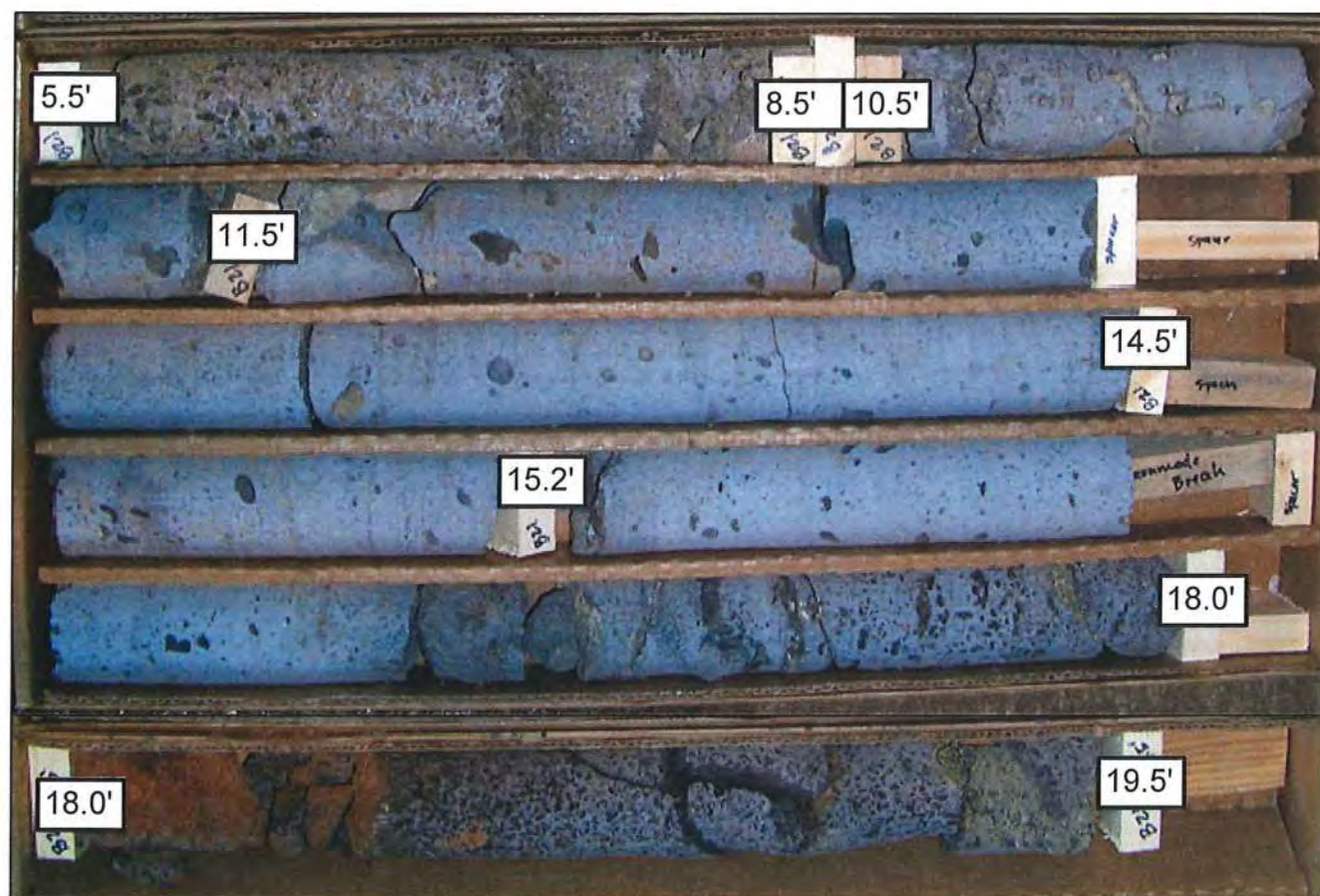
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 36b

## Boring 21: 5.5'-19.5'



F.G.E.

### ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

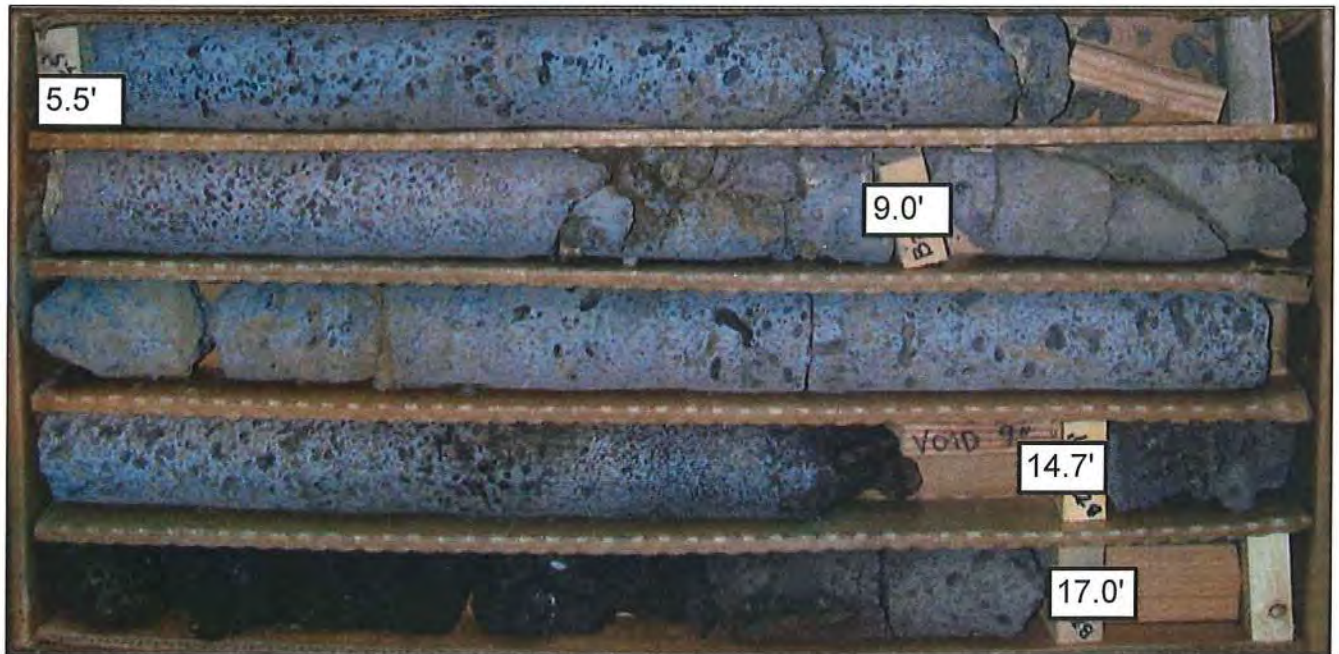
File: 3051.01

August 2011

Figure 37



# Boring 22: 5.5'-17.0'



## ROCK CORE PHOTOGRAPH

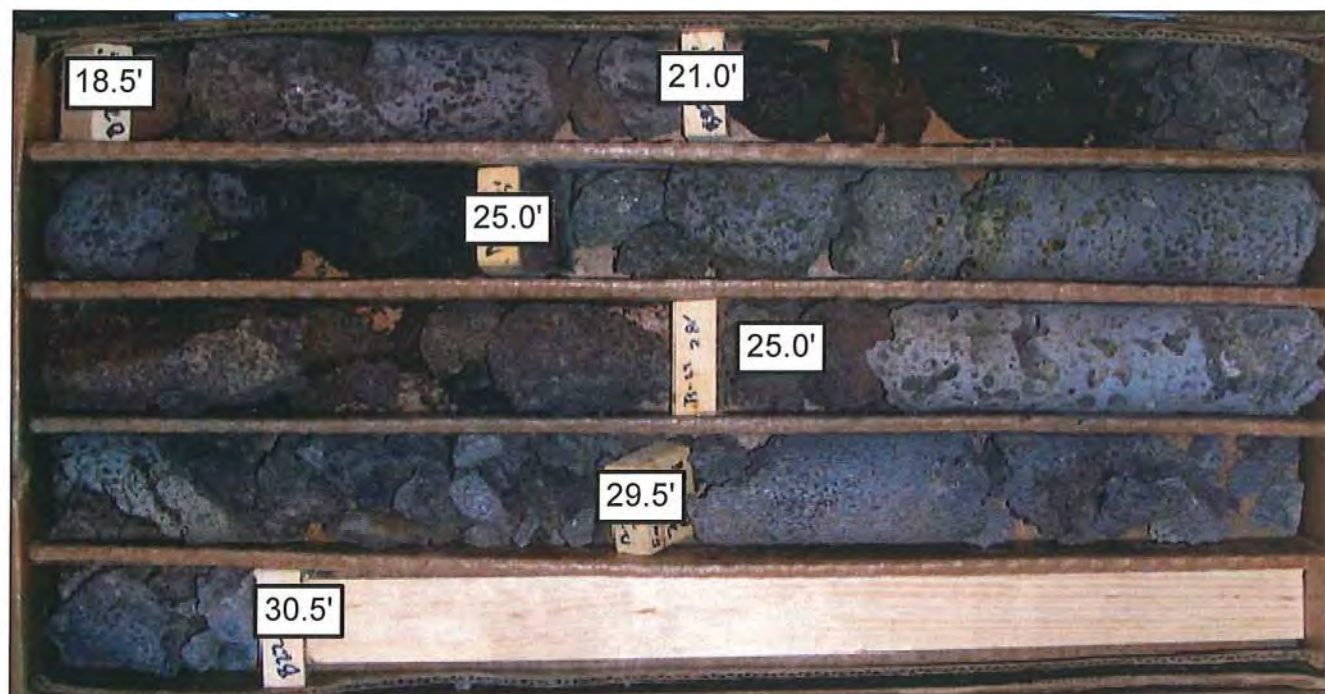
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 38a

## Boring 22: 18.5'-30.5'



F.G.E.

### ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

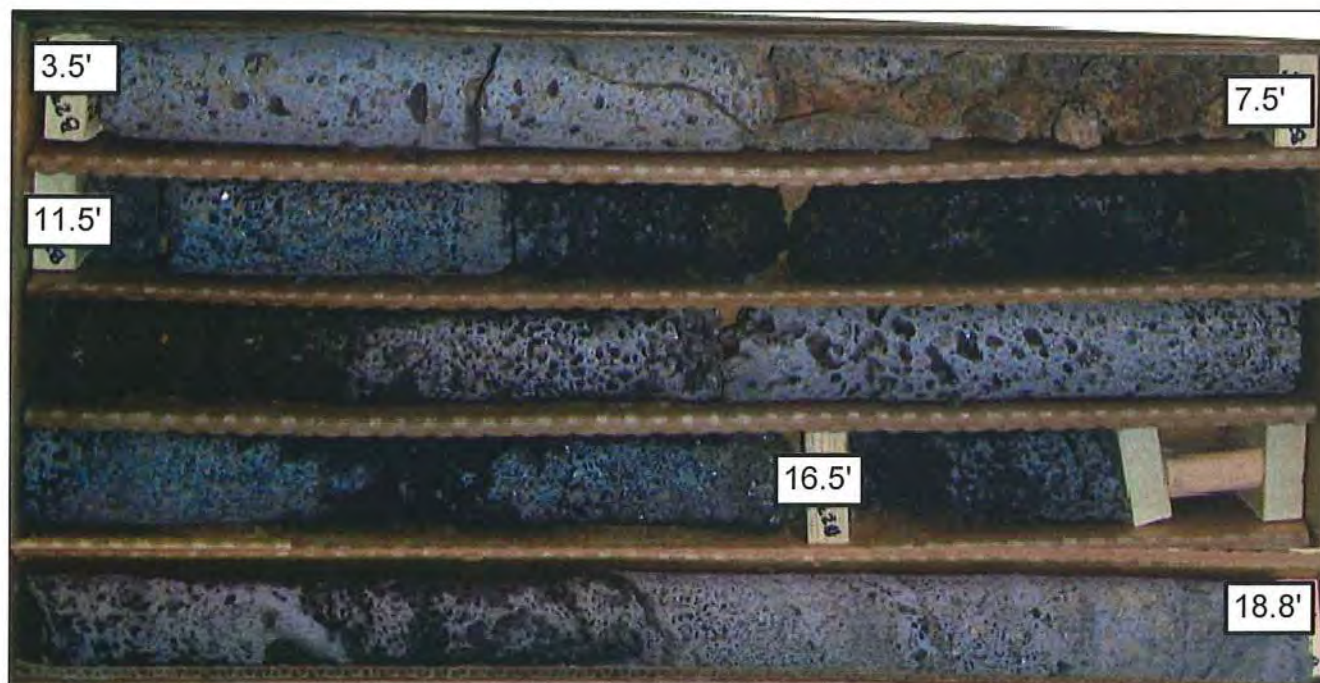
File: 3051.01

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Figure 38b



## Boring 23: 3.5'-18.8'



F.G.E.

### ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

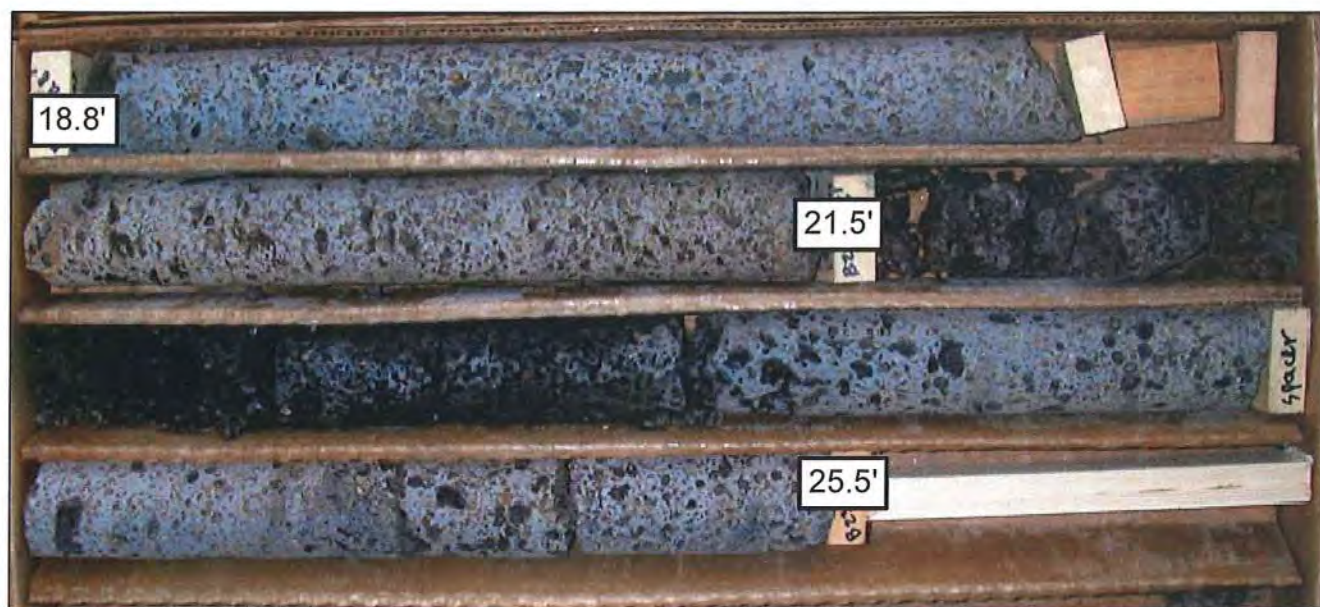
File: 3051.01

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Figure 39a



# Boring 23: 18.8'-25.5'



## ROCK CORE PHOTOGRAPH

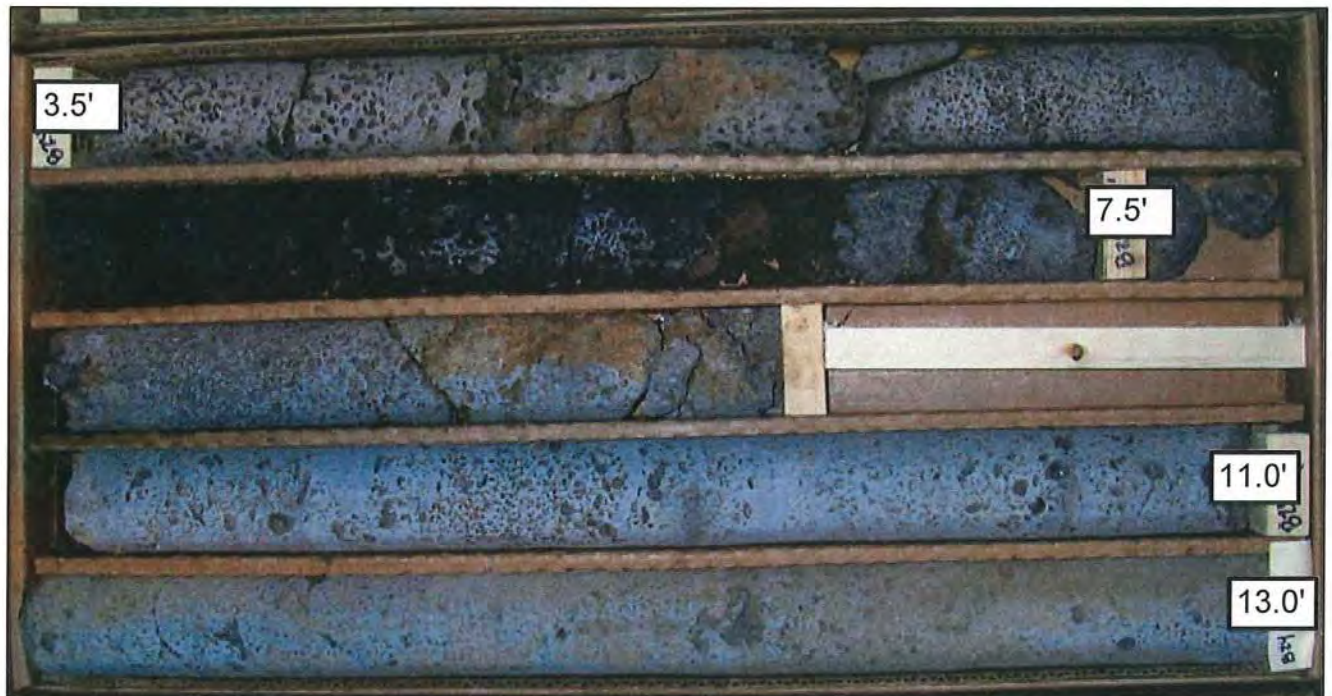
Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 39b

# Boring 24: 3.5'-13.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

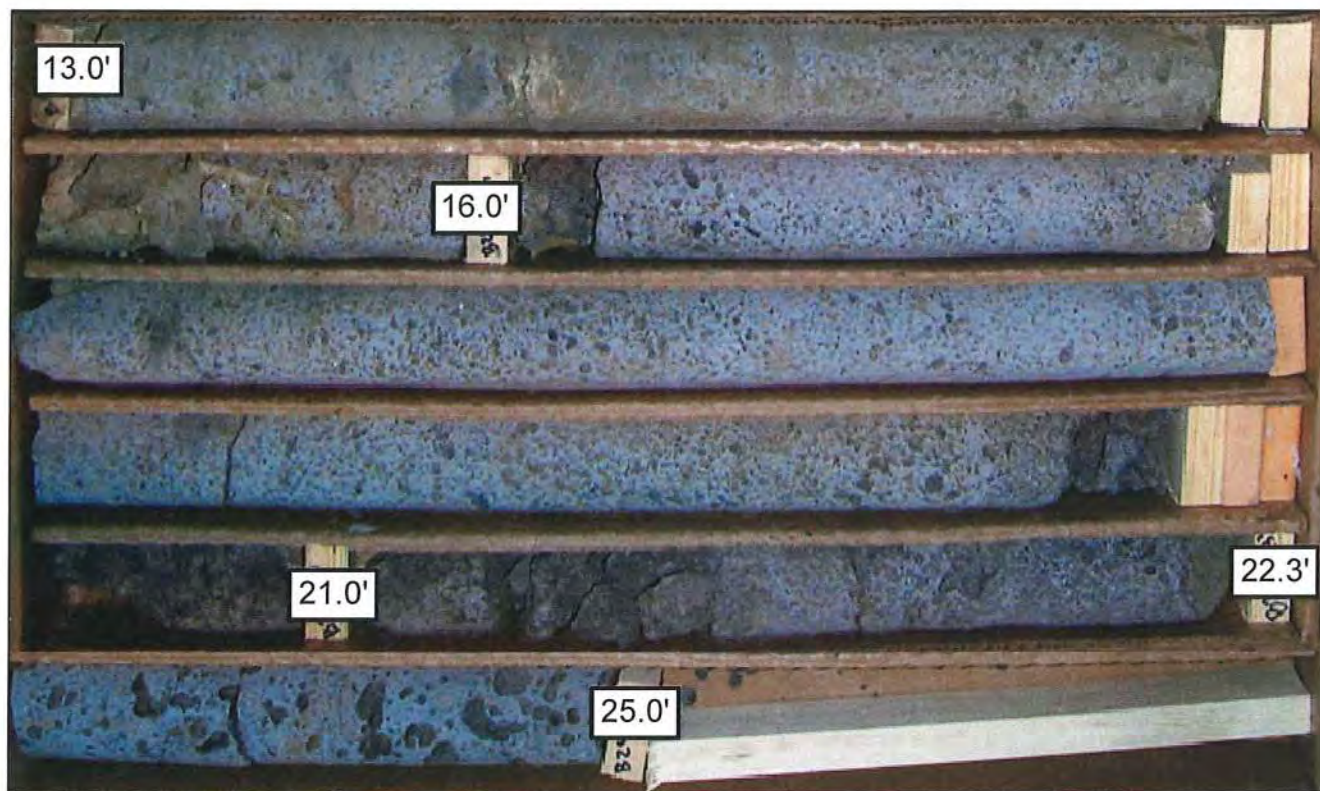
File: 3051.01

August 2011

Figure 40a



# Boring 24: 13.0'-25.0'



F.G.E.

## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 40b

# Boring 25: 4.0'-13.0'



## ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

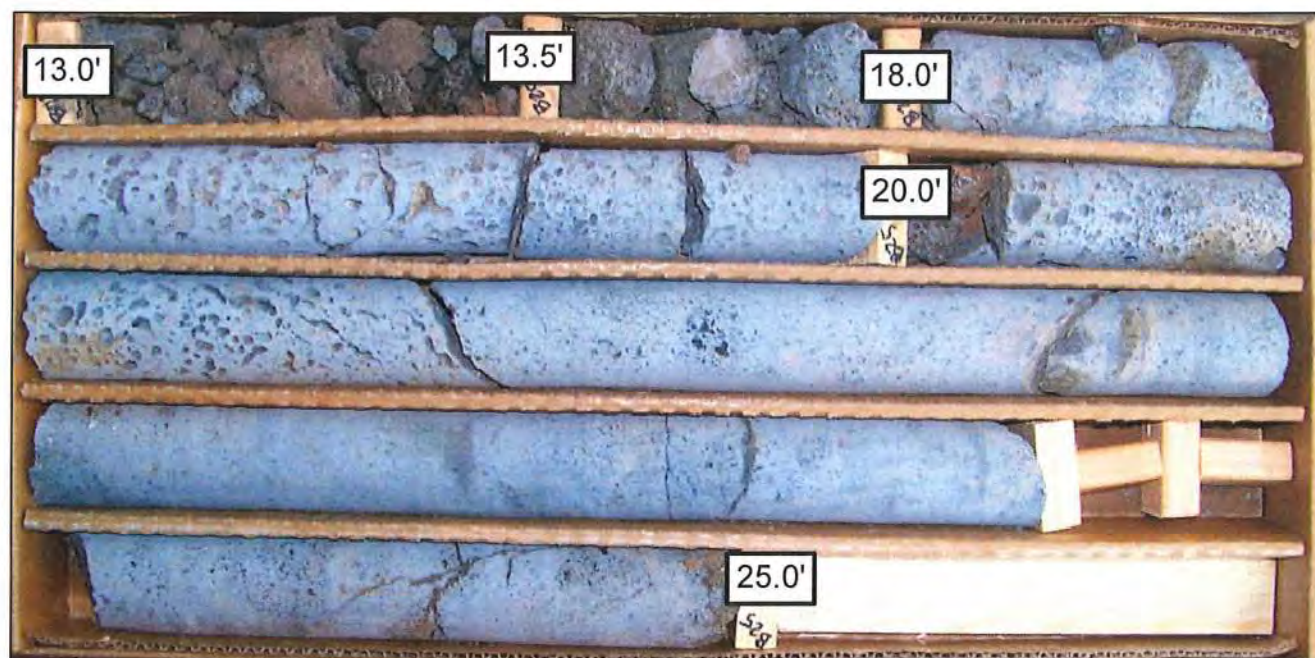
File: 3051.01

August 2011

Figure 41a



## Boring 25: 13.0'-25.0'



### ROCK CORE PHOTOGRAPH

Piilani Promenade South Shopping Center  
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 41b

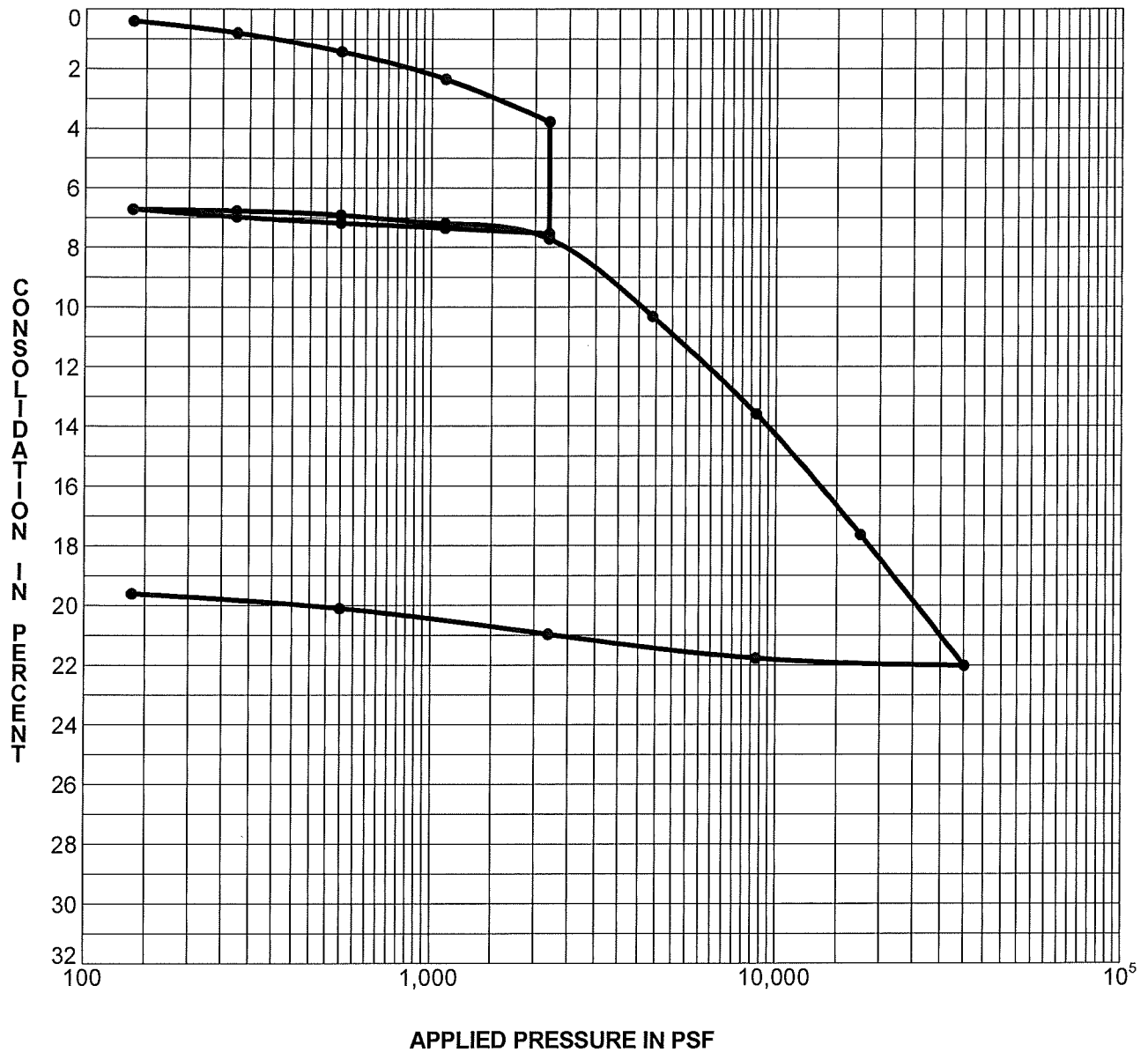
## **APPENDIX B**

### **Laboratory Testing Summary**

**Project Designation:** Piilani Promenade South Shopping Center **File:** 3051.01

**Location:** Kihei, Maui, Hawaii

	<u>Sample No.</u>	<u>Figure Designation</u>
<b><u>Consolidation Curves:</u></b>	14-1	42
	18-3	43
	19-1	44
	24-1	45
<b><u>California Bearing Ratio Curves:</u></b>	TP11-1	46
	TP20-1	47
<b><u>Gradation Charts:</u></b>	23-3	48
<b><u>Plasticity Chart:</u></b>	12-2	49
	13-1	49
	15-1	49
	16-2	49
	18-1	49
	19-1	49
	20-1	49
	TP11-1	50
	TP20-1	50
<b><u>Summary of Laboratory Test Results:</u></b>		Table I
<b><u>Summary of Laboratory CBR Test Results:</u></b>		Table II
<b><u>Summary of Basalt Rock Unconfined Compressive Tests:</u></b>		Table III



Sample Identification	Depth (feet)	Classification	LL	PI
14 - 1	1.0	Brown SILT (ML)		



F.G.E. Ltd.

## CONSOLIDATION CURVE

Piilani Promenade South Shopping Center

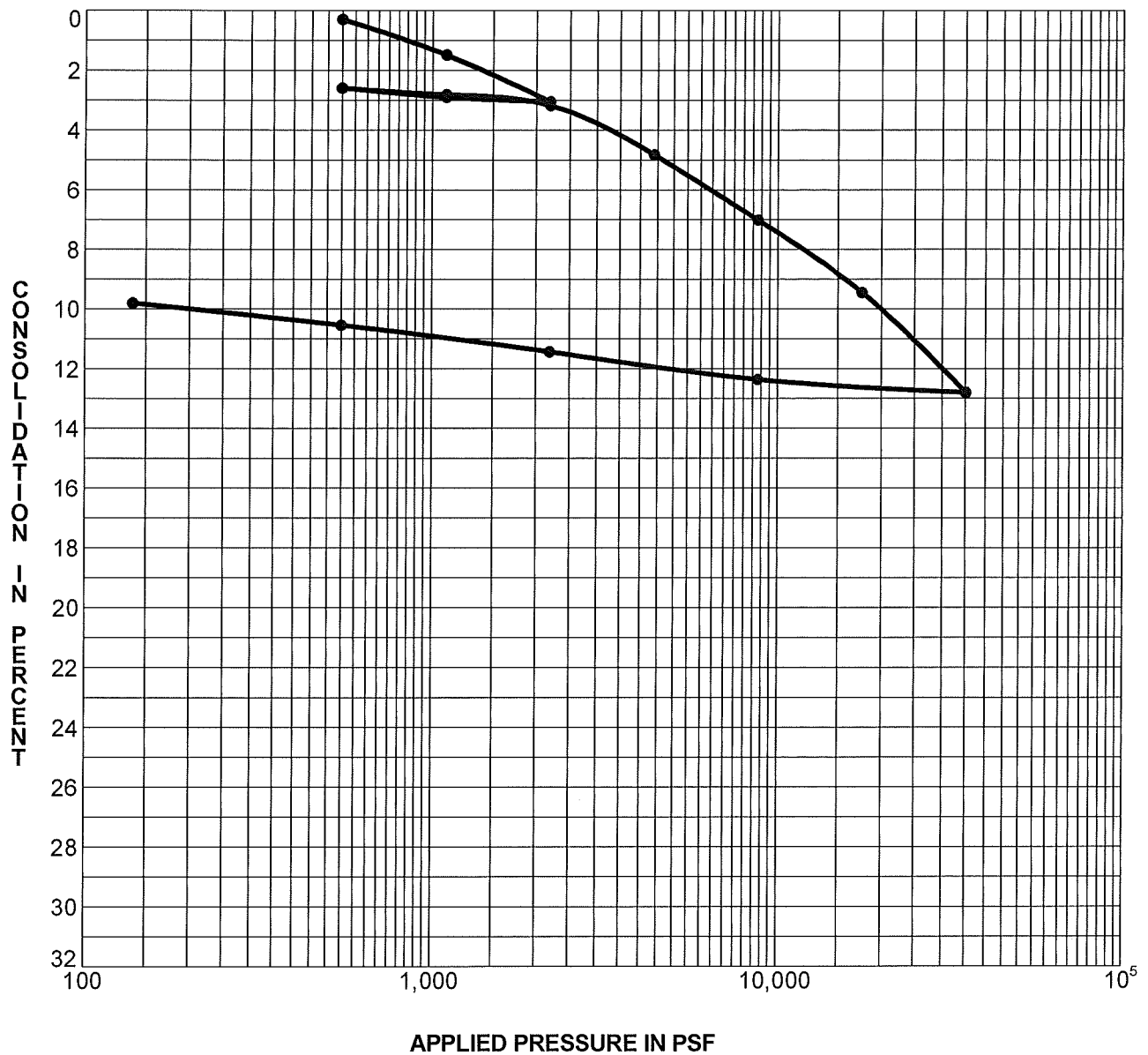
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 42





Sample Identification	Depth (feet)	Classification	LL	PI
18 - 3	5.5	Light Gray Sandy SILT (ML)		



F.G.E. Ltd.

## CONSOLIDATION CURVE

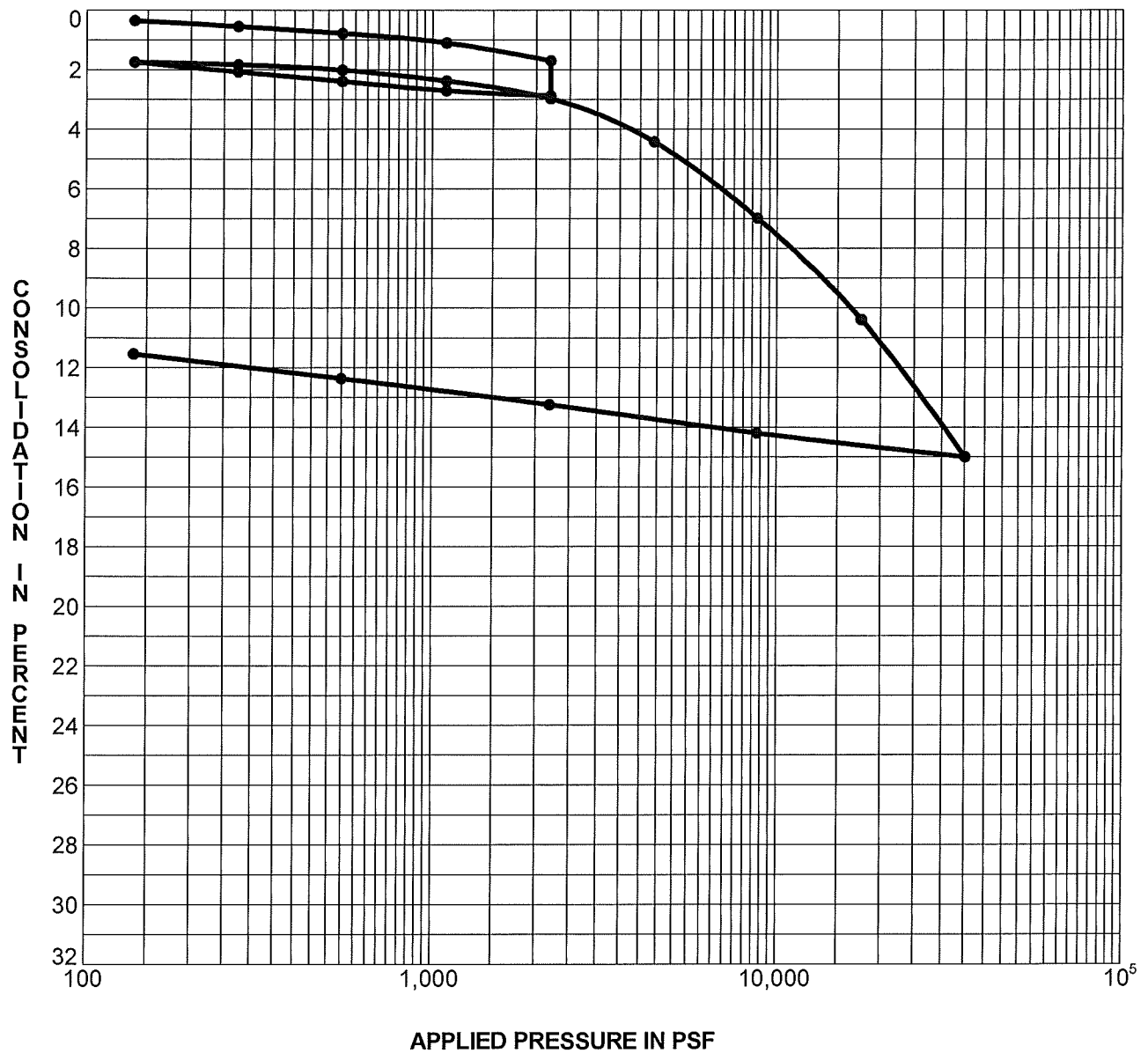
Piilani Promenade South Shopping Center

Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 43



Sample Identification	Depth (feet)	Classification	LL	PI
19 - 1	0.5	Light Brown Clayey SILT (MH)	53	16



F.G.E. Ltd.

## CONSOLIDATION CURVE

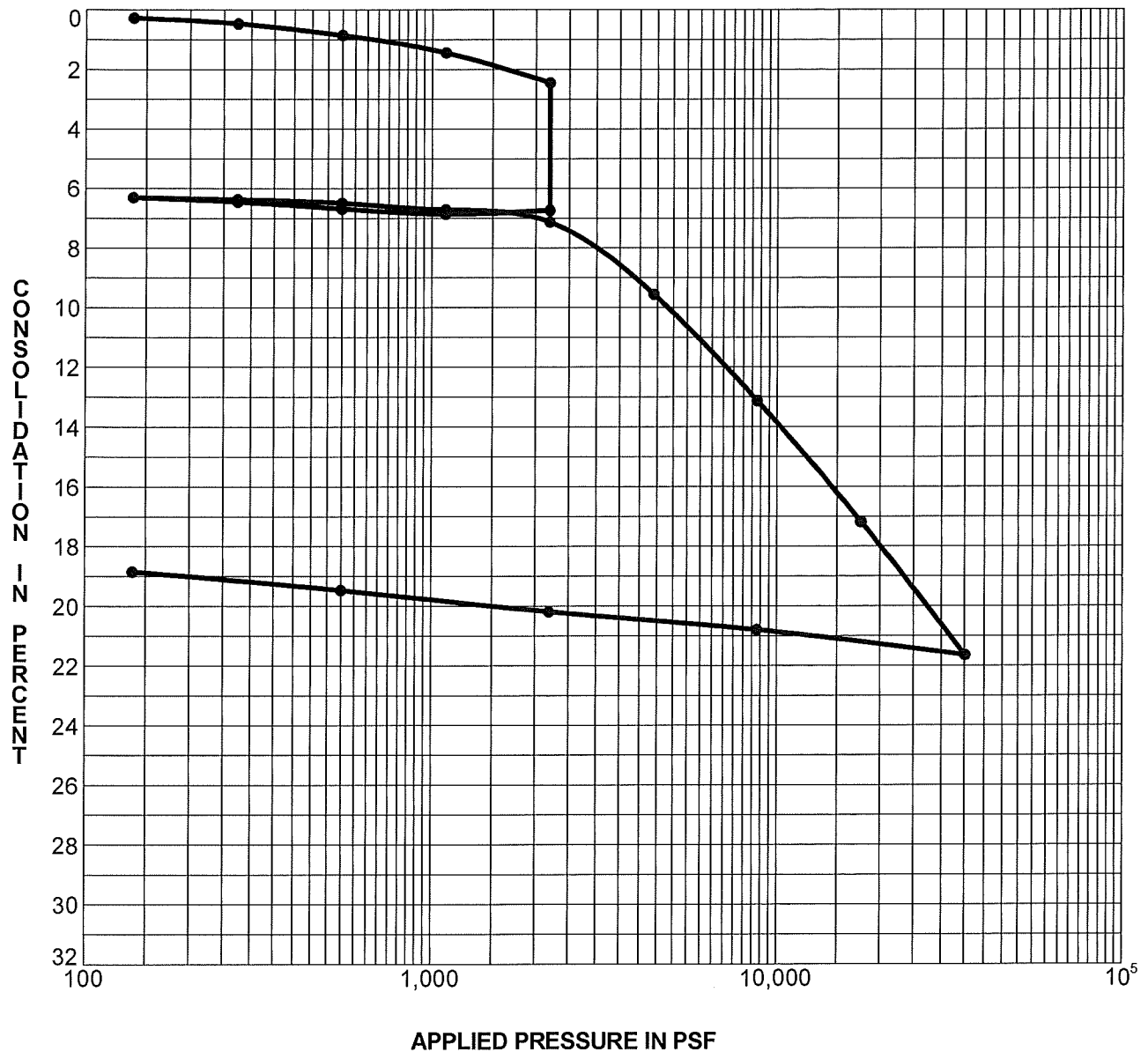
Piilani Promenade South Shopping Center

Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 44**



Sample Identification	Depth (feet)	Classification	LL	PI
24 - 1	1.0	Reddish Brown SILT (ML)		



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## CONSOLIDATION CURVE

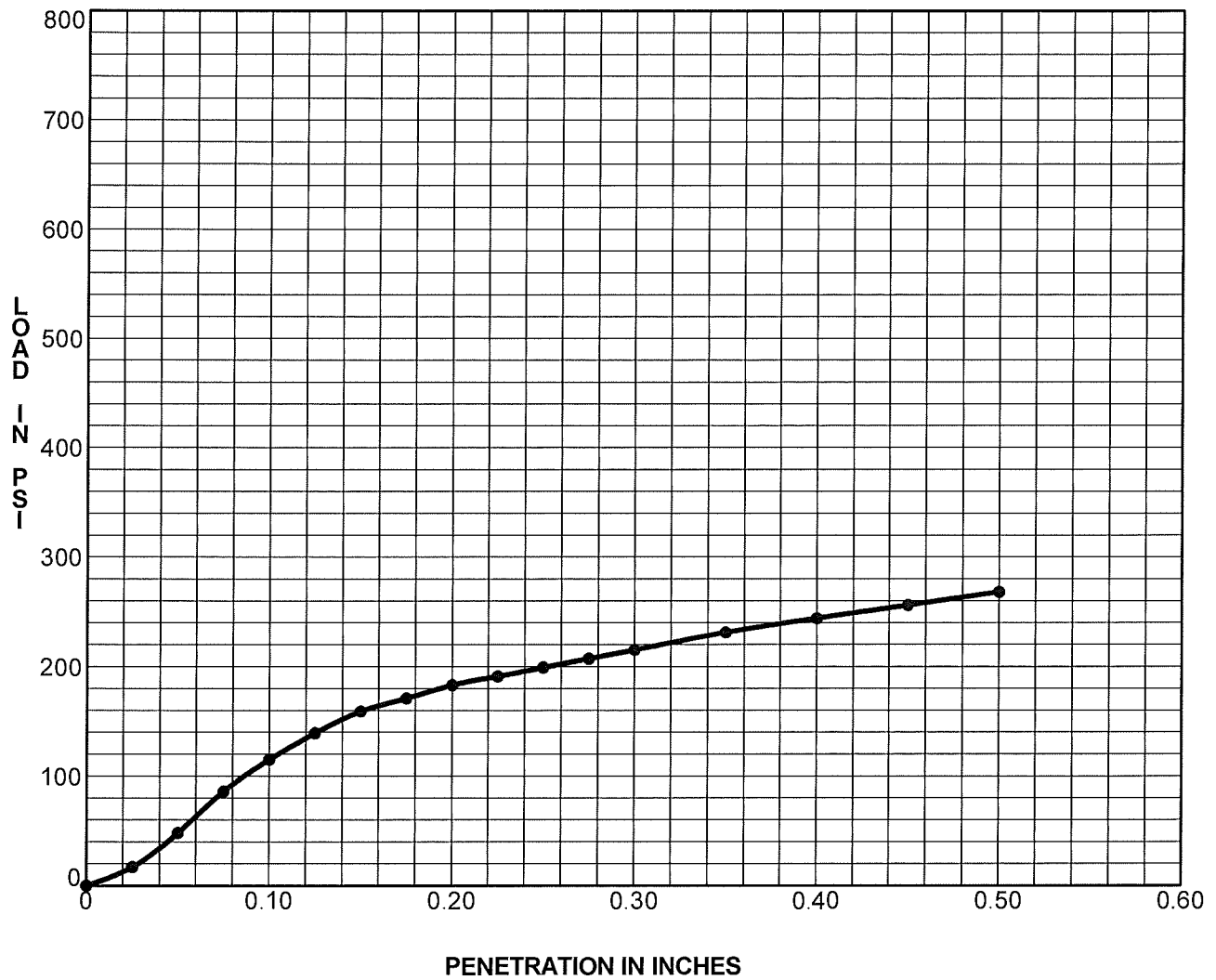
Piilani Promenade South Shopping Center

Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 45**



Sample Identification	Classification	CBR	% Comp.	Max Den.	Opt. % MC	% Swell	LL	PI
● TP11 - 1	Reddish Brown SILT (ML)	12.8	96	93.0	26.5	0.7	45	14



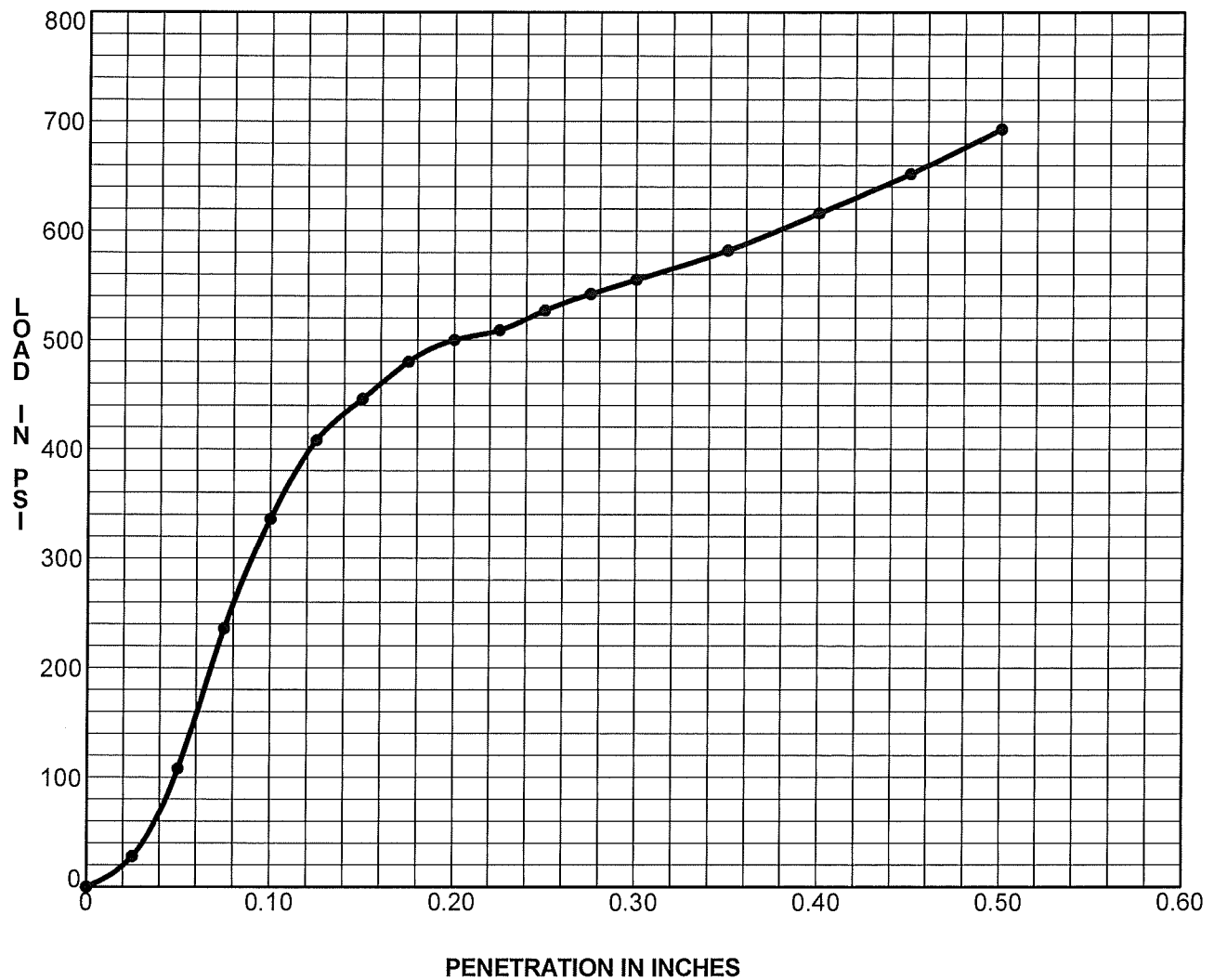
F.G.E. Ltd.

**CALIFORNIA BEARING RATIO**  
 Piilani Promenade South Shopping Center  
 Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 46**



Sample Identification	Classification	CBR	% Comp	Max Den	Opt. % MC	% Swell	LL	PI
● TP20 - 1	Reddish Brown SILT (ML)	41.8		92.5		1.1	48	12



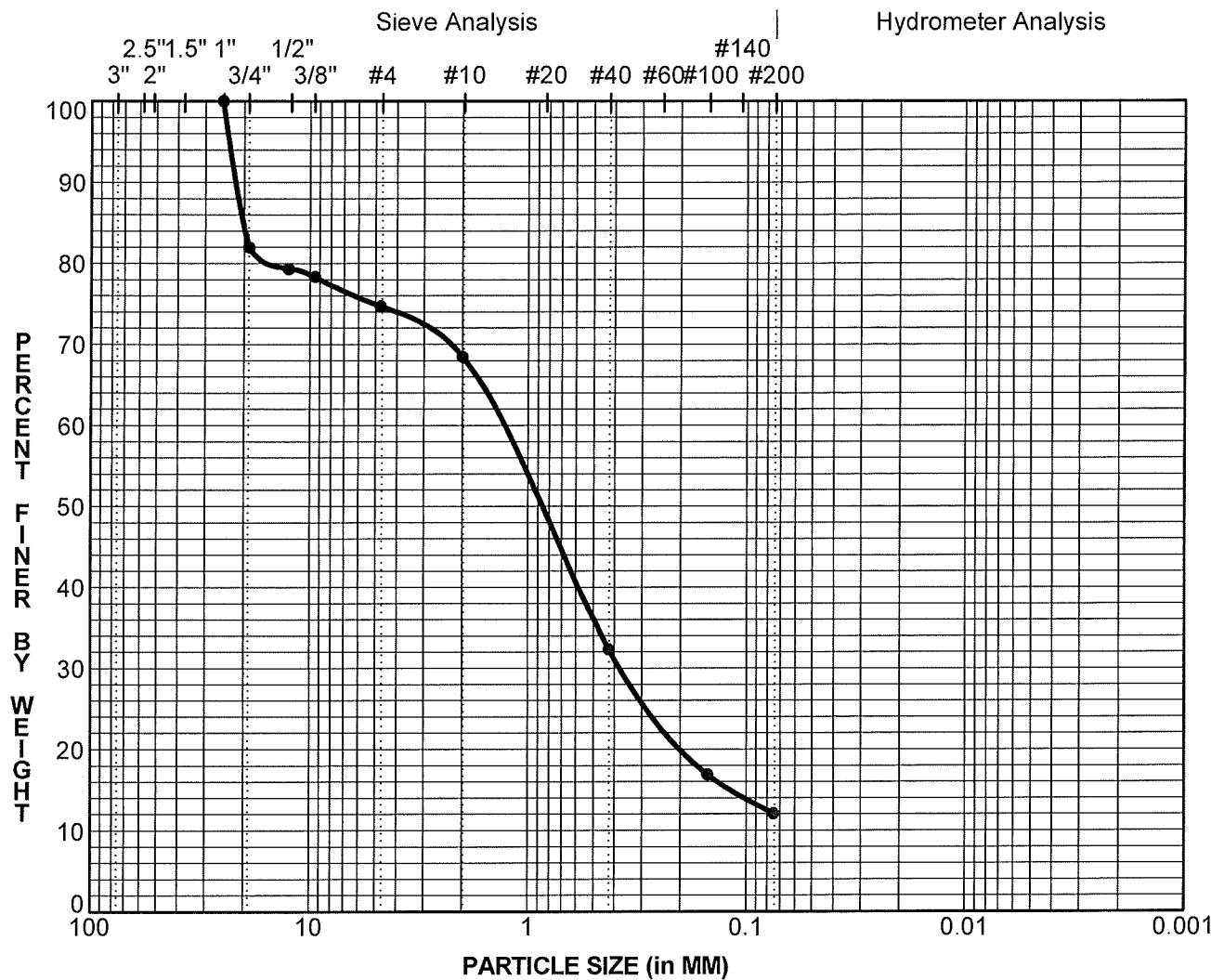
F.G.E. Ltd.

**CALIFORNIA BEARING RATIO**  
 Piilani Promenade South Shopping Center  
 Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 47**



Gravel		Sand			Silt and Clay
coarse	fine	coarse	medium	fine	

Sample ID	Depth	Classification	MC%	LL	PL	PI	Cc	Cu
● 23 - 3	6.5	Brown Silty SAND (SM)					2	25

Sample ID	Depth	D100	D60	D30	D10	%Gravel	%Sand	%Silt & Clay
● 23 - 3	6.5	25.0	1.4	0.36		25	63	12



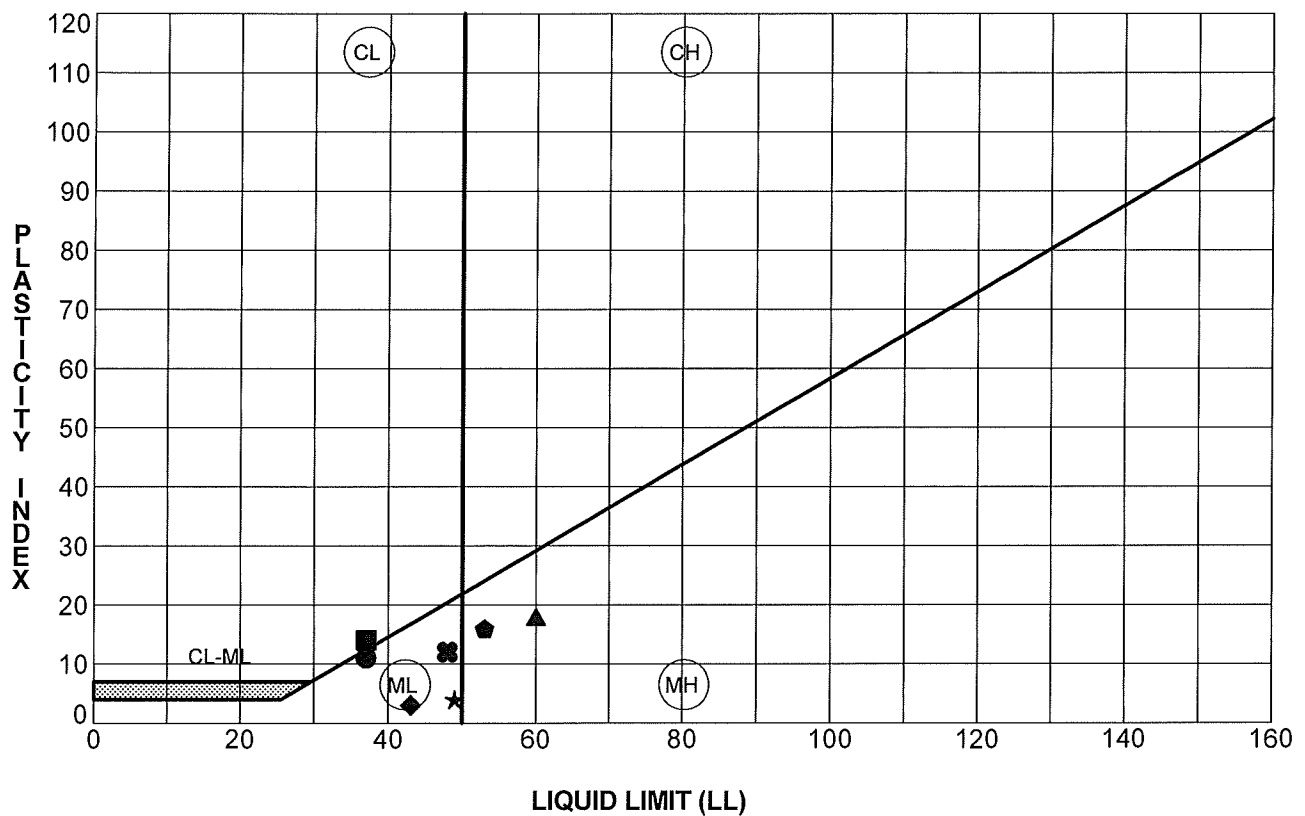
F.G.E. Ltd.

**GRAIN SIZE DISTRIBUTION**  
 Piilani Promenade South Shopping Center  
 Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 48**



	Sample ID	Depth (ft)	LL	PL	PI	Classification
●	12 - 2	3.0	37	26	11	Brown SILT (ML)
■	13 - 1	1.0	37	23	14	Brown Silty CLAY (CL)
★	15 - 1	1.0	49	45	4	Gray/Brown SILT (ML)
◆	16 - 2	3.0	43	40	3	Gray SILT (ML)
▲	18 - 1	1.0	60	42	18	Light Brown Clayey SILT (MH)
◆	19 - 1	0.5	53	37	16	Light Brown Clayey SILT (MH)
◆	20 - 1	1.0	48	36	12	Brown SILT (ML)



F.G.E. Ltd.

## PLASTICITY INDEX CHART

Piilani Promenade South Shopping Center

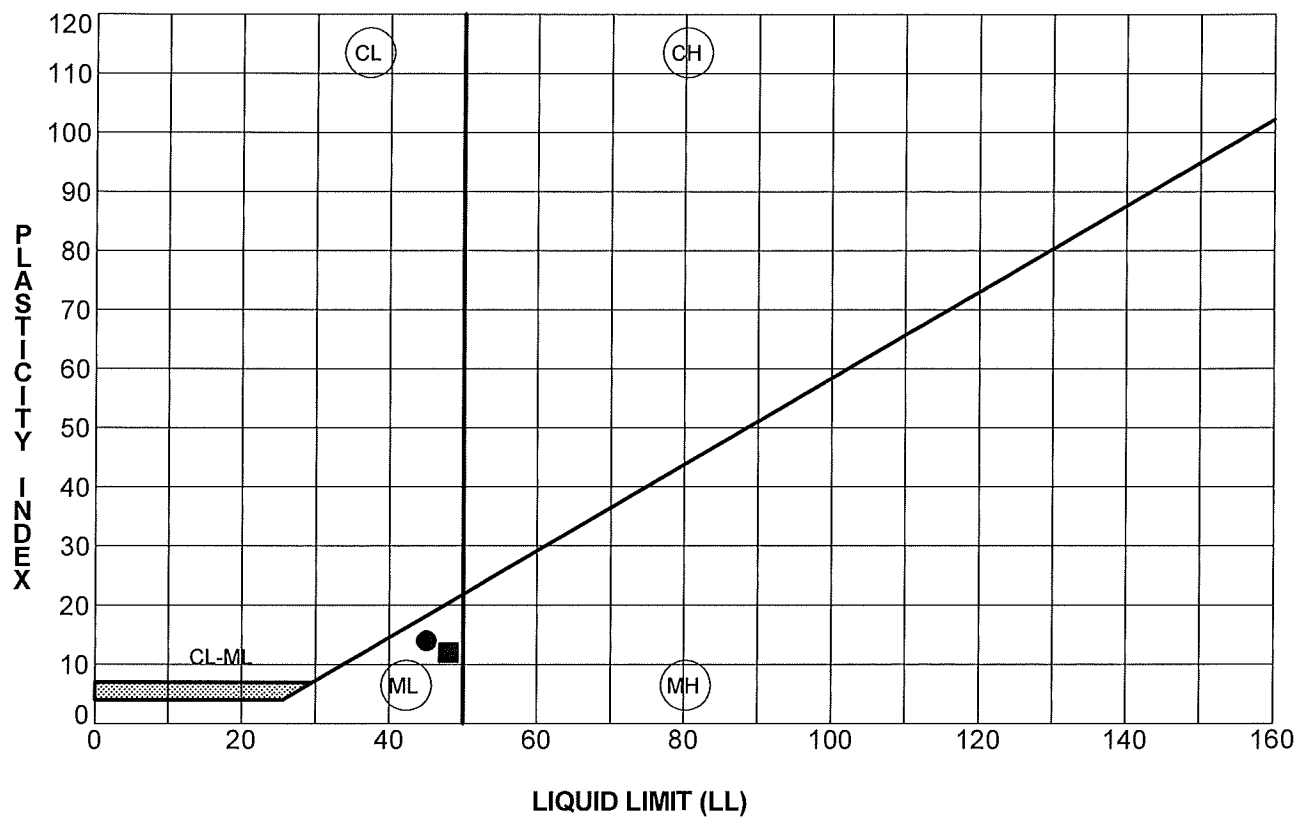
Kihei, Maui, Hawaii

File: 3051.01

August 2011

Figure 49





Sample ID	Depth (ft)	LL	PL	PI	Classification
● TP11 - 1	0.5	45	31	14	Reddish Brown SILT (ML)
■ TP20 - 1	0.5	48	36	12	Reddish Brown SILT (ML)



F.G.E. Ltd.

## PLASTICITY INDEX CHART

Piilani Promenade South Shopping Center

Kihei, Maui, Hawaii

File: 3051.01

August 2011

**Figure 50**

TABLE I

Summary of Laboratory Test Results

Sample No.	Depth (ft)	Moisture Content (%)	Dry Density (pcf)	Direct Shear		Torvane (psf)	Liquid Limit	Plasticity Index	Gradation			Swell (%)	Swell Index
				C (psf)	Ø (Degrees)				Gravel (%)	Sand (%)	Silt/Clay (%)		
12-1	1.0	12	81										
12-2	3.0	14	72				37	11				-2.8	
12-3	5.5												
12-4	8.5												
13-1	1.0						37	14					
13-2	3.0	23	72	1,000	39°							0.8	0.03
13-3	5.0	23	63				50	9					
13-4	7.0	23	72										
14-1	1.0	24	62										
15-1	1.0						49	4					
15-2	3.0												
15-3	6.0												
16-1	1.0	31	69	600	45°							1.3	0.06
16-2	3.0	20	76	800	45°		43	3				0.2	0.01
16-3	5.5	12											
18-1	1.0	30	72	930	28°		60	18				1.0	0.04
18-3	5.5	26	64										
18-4	8.5	26	64										
19-1	1.0	22	68	680	23°		53	16				0.6	0.02
19-2	3.0	16	77										
20-1	1.0	17	75										
21-1	1.0	18	70										
21-2	3.0	18	84										

TABLE I (Continued)

Summary of Laboratory Test Results

Sample No.	Depth (ft)	Moisture Content (%)	Dry Density (pcf)	Direct Shear		Torvane (psf)	Liquid Limit	Plasticity Index	Gradation			USC	Swell (%)	Swell Index
				C (psf)	$\phi$ (Degrees)				Gravel (%)	Sand (%)	Silt/Clay (%)			
22-1	1.0	23	71											
22-2	3.0	13												
23-3	5.5	22							25	63	12	SM		
24-1	1.0	18	66											
25-1	1.0	25	83				42	15						
25-2	3.0	28	84									ML		

TABLE II

Summary of Laboratory CBR Test Results

Sample No.	Depth in feet	In-Situ Moisture Cont. (%)	Max. Dry Density (pcf)	Opt. Moist. Cont. (%)	Gradation			Liquid Limit (%)	Plasticity Index (%)	USC	Rel. Comp. (%)	Comp. Moist. (%)	CBR	CBR Swell (%)
					Gravel (%)	Sand (%)	Silt/Clay (%)							
TP11-1	0.5'	29	97	27				45	14	ML	97	26	12.8	0.7
TP13-1	0.5'	15												
TP20-1	2.0'	17	93	30				48	12	ML	98	29	41.8	1.1

**TABLE III**

**Summary of Basalt Rock Unconfined Compressive Tests**

<u>Boring</u>	<u>Depth (feet)</u>	<u>Core Type</u>	<u>Material Description</u>	<u>Dry Density (p.c.f.)</u>	<u>Unconf. Compr. Strength (p.s.i)</u>
Boring 14	5.5-9.0'	NX	Gray Basalt (WS)	145	4,440
Boring 15	11.0-12.0'	NX	Gray Basalt (WS)	126	2,710
Boring 16	13.0-14.0'	NX	Gray Basalt (WS)	167	10,970
Boring 22	11.0-12.0'	NX	Gray Basalt (WS)	166	7,820
Boring 22	26.0-27.0'	NX	Gray Vesicular Basalt (WS-WM)	134	2,110
Boring 23	12.0-13.0'	NX	Gray Vesicular Basalt (WS)	176	9,320
Boring 23	14.0-15.0'	NX	Gray Vesicular Basalt (WS)	145	3,730
Boring 24	7.0-8.0'	NX	Gray Basalt (WS)	146	4,370
Boring 24	23.0-24.0'	NX	Gray Basalt (WS)	138	3,170

## APPENDIX C

### Limitations

This report has been prepared for the exclusive use of **Piilani Promenade South, LLC** for site of the **Piilani Promenade South Shopping Center**, in Kihei, Maui, Hawaii. In the completion of the investigation and the preparation of this report, we have strived to perform our services in a manner consistent with that level of care and skill ordinarily exercised by members of the geotechnical profession practicing under similar conditions in Hawaii. No other warranty, either expressed or implied, is made.

The analysis, conclusions and recommendations submitted in this report are based in part upon the data obtained in the test borings and test pits, and upon the assumption that the soil conditions do not deviate from those observed. If any variations or undesirable conditions are encountered during construction, or if the proposed construction will differ from that planned at the present time, FGE should be notified so that supplemental recommendations can be given. The conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions of this report modified or verified in writing.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by soil samples, test borings, or test pits. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Some contingency funds are recommended to accommodate such potential extra costs.

The site investigation for this report may not have disclosed the presence of underground structures, such as cesspools, drywells, storage tanks, etc. that may be present at the site. Should these items be encountered during construction, FGE should be notified to provide recommendations for their disposition.

The scope of work for this investigation was limited to conventional geotechnical services and did not include environmental, botanical, or archeological assessments or evaluations. Silence in the report regarding any environmental, botanical, or archeological aspects of the site does not indicate the absence of potential environmental, botanical or archeological concerns.

The boring and test pit locations were staked out in the field and their ground surface elevations were determined by Piilani Promenade South, LLC's Project Surveyors. Where occasional

borings or test pits were re-located by FGE in the field, the ground surface elevations at the borings were estimated by a hand level using the staked out boring elevation. The locations and elevations of the borings should be considered accurate only to the degree implied by the methods used.

Groundwater was not observed in any of the test borings or test pits during the field investigation. It should be realized, however, that fluctuations in the level of the groundwater, or seepage may occur due to variations in natural subsurface seepage, rainfall, tides and other factors not present at the time the measurements were made.

FGE should be provided the opportunity for general review of the final design drawings and specification to verify that the earthwork and foundation recommendations have been properly interpreted and implemented in the design and specification. If FGE is not accorded the privilege of making this recommended review, it can assume no responsibility for misinterpretations of the recommendations.

FGE should also be retained to provide periodic soil engineering services during construction. This is to observe compliance of the design concepts, specifications and recommendations and to allow design changes in the event the subsurface conditions differ from that anticipated prior to construction. The recommendations contained herein are contingent upon adequate construction observation and testing of the geotechnical phases of the construction by FGE.





## **APPENDIX R**

### **Waimea Water Services Report dated August 12, 2016**



August 12, 2016

Mr. Robert D. Poynor, Vice President  
Sarofim Realty Advisors  
8115 Preston Road, Ste. 400  
Dallas, TX 75225

**Re: Kaonoulu Irrigation Well No. 4626-02**

Dear Robert,

Waimea Water Services LLC (WWS) was originally contracted as a consultant for the construction and testing of the Kaonoulu Irrigation Well Number 4626-02. WWS appreciates your selection of our firm as consultant once again for this project. In addition to your current project, WWS has done several projects in and around the Kihei area including a recent monitoring program focused on the observation of pumping influences at several downstream well locations. The following discussion is a brief assessment of the potential impacts from the pumping of the 4626-02 irrigation well.

Kaonoulu Irrigation Well No. 4626-02 is located on the leeward side of Maui in the Kamaole aquifer unit. The Kamaole aquifer unit has a sustainable yield of 11 million gallons per day (MGD) which is set by the Commission on Water Resource Management (CWRM) and is based on the estimated recharge of the aquifer unit. A full map of all the aquifer units of Maui has been included in this letter as an attachment.

The coast of the Kamaole Aquifer Unit is considered to be a basal aquifer where many of the wells are pumping slightly brackish water intended for irrigation. This type of aquifer can be dynamic and heavily influenced by the tide. Water levels and salinity levels will rise and fall with the tide. Generally, the farther the subject well is located from the coast, the fresher the source water will be. It is not unusual for brackish wells to show a rise in salinity as pumping begins and then levels will tend to stabilize as long as the pumping rate is not stressing the aquifer. Over pumping or stressing the aquifer could result in rising salinity in the pumping well as well as potential downstream negative influences. In an effort to mitigate potential adverse impacts on the aquifer, new source wells are required by the State of Hawaii to perform a long term pump test.

Due to the proposed pumping rate of the newly constructed Kaonoulu Irrigation well, a 24-hour long term pump test was required by the state. The well was pumped at an average rate of 175 gpm, and the water quality remained constant with an average Electro-conductivity (EC) of 1211  $\mu\text{S}/\text{cm}$  and total chlorides were tested at 180 mg/L. The quality is expected to remain stable as long as the production of the well does not exceed the permitted 120,000 gallons per day (gpd). In addition to water quality, the water level in the well was also tracked throughout the pump test. Following the start of the pump, a draw-down of 2.41 feet was recorded. The water level remained stable at an average of 2.415 feet for the remainder of the test. After the conclusion of the pumping phase, the water level fully recovered within seconds of the shut off of the pump.

The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. Our present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

As previously mentioned, Waimea Water Services recently performed a pump test and monitoring program in the Kihei area and we consider the results from this test pertinent to this discussion due to the proximity to the Kaonoulu Irrigation Well and the similar hydro-geological setting.

# Waimea Water Services

Please note that well names and exact locations were removed due to client confidentiality. A brief description of the test results are as follows:

*This monitoring program consisted of a long term pump test on an active well while simultaneously monitoring water levels and quality in three observation wells. The objective of this monitoring program was to document and quantify any impacts within the observation wells that could be attributed to the pumpage of the upslope well.*

*Three Soloist Levellogger model LTC F100/M30 were used monitoring electro conductivity, depth and temperature. If there were to be an influence to the aquifer related to the pump test, we would specifically be looking for a change in the static water level, a change in the temperature of the water, or a change in the quality of the water in the form of conductivity. Since we were monitoring a basal aquifer, we expected to see a tidal influence in the subject monitoring well as well as minor barometric changes.*

*The 96 hour pump test of the well yielded temperature and conductivity data that was stable at a pumping rate of 300gpm for the entire test. The temperature data was stable at an average of 8.89 C or 66 F throughout the test and the conductivity was also very stable at an average of 1266  $\mu\text{S}/\text{cm}$ .*

*As previously mentioned, one of the observation wells monitored was located downslope of the actively pumping production well and if there were an influence from the 96 hour pump test, the data would show a related change in the recorded water level and quality of the observation wells. The water quality in the form of conductivity, was considered to be stable during the pumping period due to the very small variation from 1.33  $\mu\text{S}/\text{cm}$  to 1.359  $\mu\text{S}/\text{cm}$ . While there is a slight rise in conductivity during this period, the tide is most likely the primary cause.*

*In summary, no recorded influences from the 96 hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.*

In an effort to further understand the hydro geology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 ft of the Kaonoulu Irrigation Well yet, only three of which can be considered to be located downstream of the subject well. All three of these wells are located greater than 3,000ft away from the subject well and it is the opinion of Waimea Water Services, based upon our field experience in this location that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation well does not exceed the proposed 175gpm or 100,000gpd. A map of the selected wells along with a table of available well information for each well is attached to this letter.

Furthermore, the data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the well's long term performance or impacts. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis.

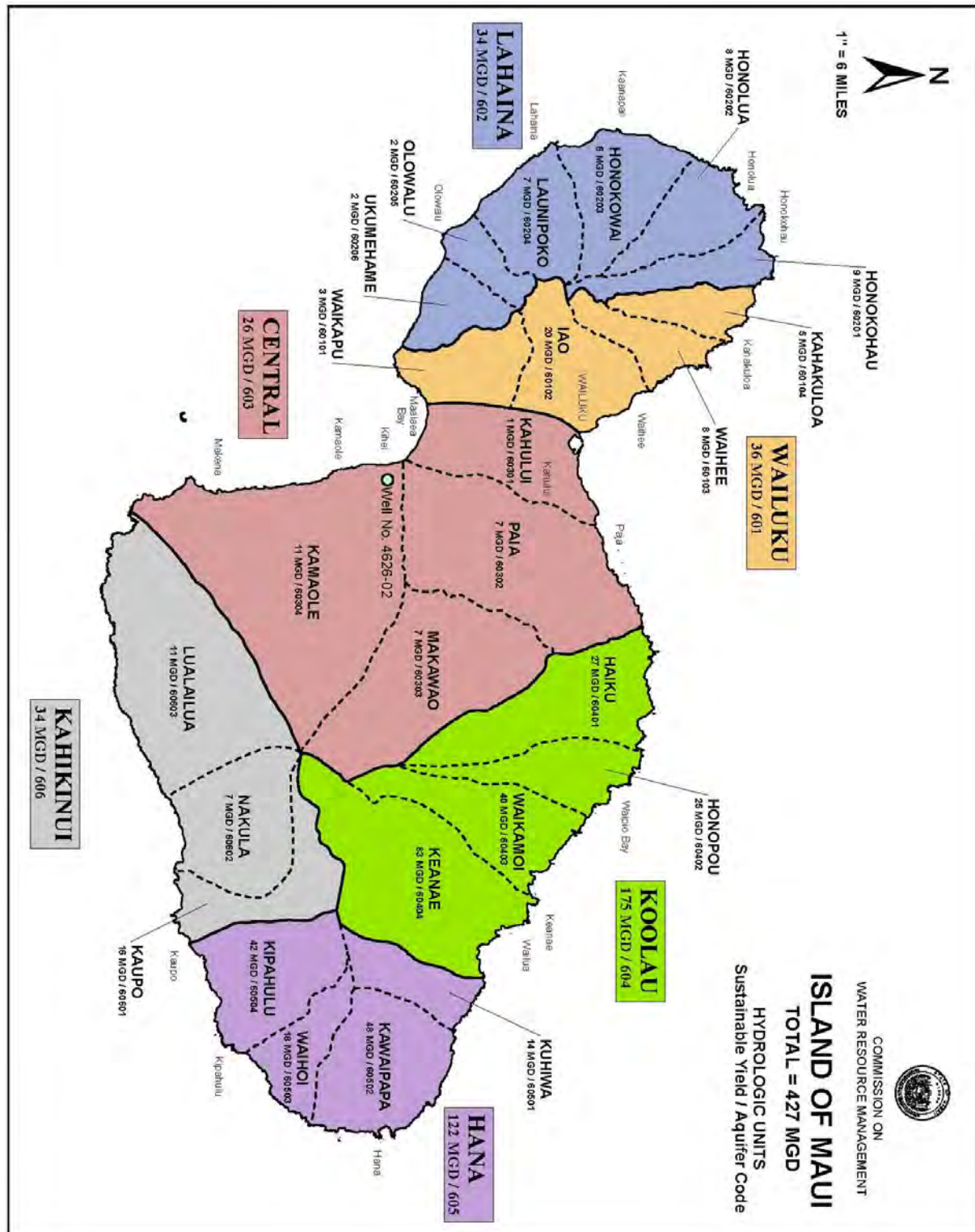
Sincerely,



David R. Barnes  
Geologist  
Waimea Water Services, LLC

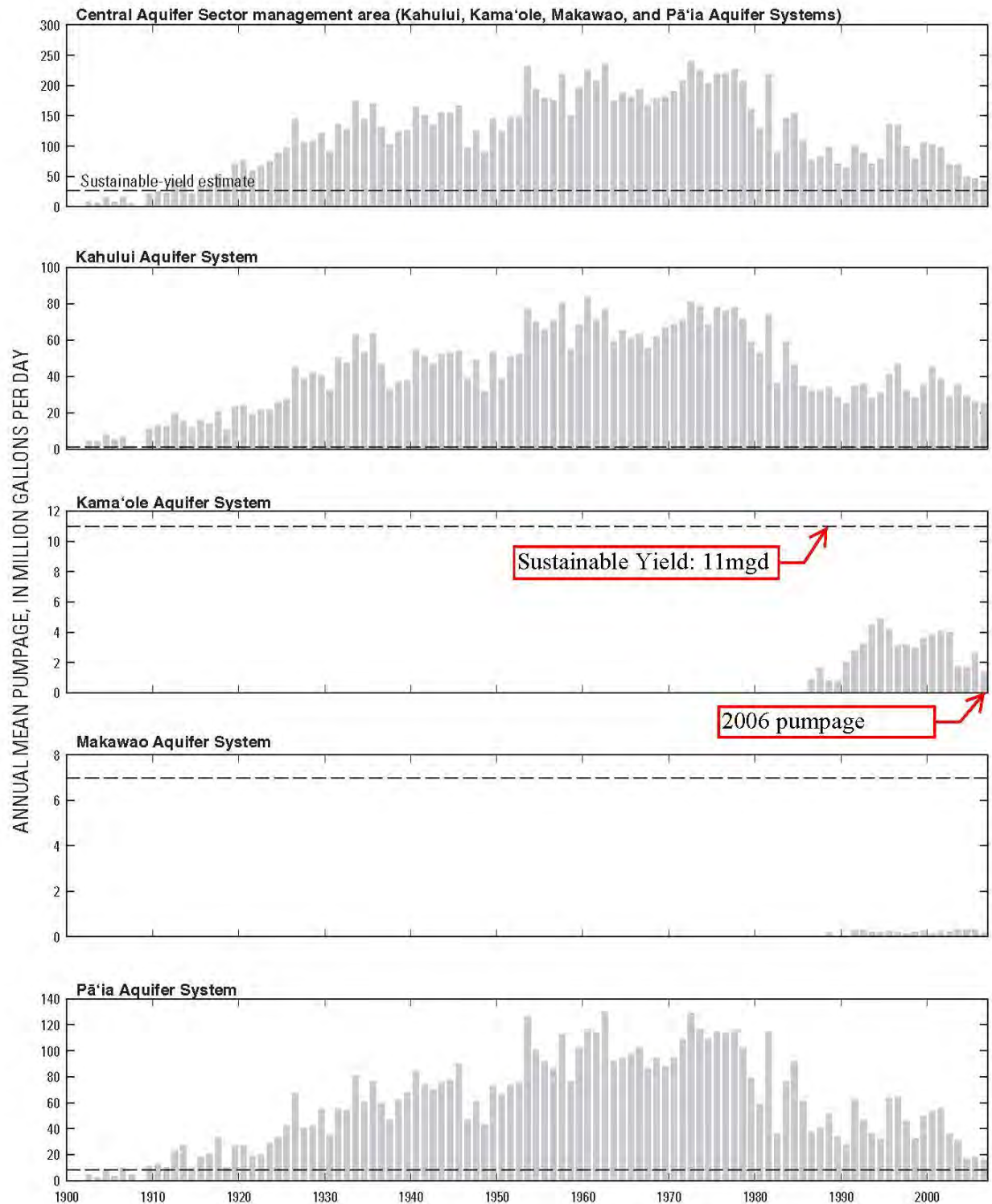
# Waimea Water Services

## Attachments



# Waimea Water Services

## Ground-Water Availability in the Wailuku Area, Maui, Hawai'i



Ground-water withdrawals from the Central Aquifer Sector, 1900–2006, Maui, Hawai'i. Sustainable-yield values (dashed lines; of 2007) are from the State of Hawai'i Commission on Water Resource Management.

65-1206 Mamalahoa Hwy., 1-206 • Kamuela, HI 96743 • Phone 808-885-5941



# Waimea Water Services



Well No.	Use	Head (ft)	Chloride (mg/L)	Draw	Proximity (ft)
4626-02	IRR	1.12	180	0.1mgd	0
4527-14	IRR	1.69	2897	150gpm	1440
4627-08	IRR	0	477	12mgd	1820
4627-11	IRR		515		3390
4527-18	IRR	3.14	184		3434
4627-03	IRR	0	538		3525
4527-06	IRR	0	1820	42gpm	3836
4627-19	IRR	0		600gpm	3935
4527-08	IRR	0.8	420	40gpm	3974
4527-07	UNU	0			4539
4527-10	IRR	0	697	30gpm	4585
4627-14	IRR	0	302	0.1mgd	5295
4527-03	UNU	0	610		6295



## **APPENDIX S**

**Dept. of Planning Letter dated April 13, 2012**



ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



RECEIVED

11:12 APR 13 PM 12:01  
COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
OFFICE OF THE MAYOR


April 13, 2012

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

For Transmittal to:

Honorable Donald G. Couch, Jr.  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

  
\_\_\_\_\_  
Mayor Date

Dear Councilmember Couch:

**SUBJECT: REVIEW OF ECLIPSE DEVELOPMENT GROUP'S PI'ILANI  
PROMENADE PROJECT DOCUMENTS AND CONSISTENCY  
WITH THE KIHEI-MAKENA COMMUNITY PLAN**

In response to your March 13, 2012 letter, the Department of Planning (Department) has reviewed the Change in Zoning (CIZ), State District Boundary Amendment (DBA), and community plan documents relative to this project.

The State Land Use Commission (LUC) reclassified approximately 88 acres from the State Agricultural District to the State Urban District in 1995. The Decision and Order is dated February 10, 1995. At the time, the petitioner proposed a light industrial/commercial subdivision. There were no conditions imposed by the State LUC that restricted use of the property. Whether the property is used for commercial or light industrial purposes, both are "urban" uses. The State Urban designation allowed the County to zone the land accordingly.

The County Council (Council) granted M-1 Light Industrial District Zoning to the property by Ordinance No. 2792, effective May 25, 1999, subject to four (4) conditions as follows:

1. That the Applicant shall participate in intersection improvements which includes, but is not limited to, traffic signals and turning lanes to the satisfaction of the Department of Transportation (DOT). The Applicant is encouraged to explore opportunities of cost share arrangements with adjacent developers.
2. That water conservation measures shall be incorporated into the design and operations of the industrial project.

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Donald G. Couch, Jr.  
April 13, 2012  
Page 2

3. That the Applicant shall design its landscape irrigation system to accommodate future connection to the County's effluent reuse system.
4. That the design guidelines for this project be reviewed by the Department.

Relative to Condition No. 4, PBR Hawaii prepared design guidelines titled, "Kaonoulu Industrial Park Business and Industrial Park Development Standards and Design Rules." The design guidelines were reviewed by the Urban Design Review Board (UDRB) at a public meeting on October 7, 1999. At this meeting, the UDRB offered comments on the guidelines. The Applicant amended the guidelines to address the comments of the UDRB, and the revised guidelines were dated January 4, 2000. The Department approved the design guidelines on January 18, 2000.

The County's M-1 Light Industrial District, Chapter 19.24, Maui County Code, permits uses in the B-1, B-2, and B-3 Business Districts in addition to identified light industrial uses. Unless there is a condition of zoning that prohibits any of these business or industrial uses, they are permitted by right. During the review of the Change in Zoning application for the Kaonoulu Industrial Project, the Department proposed five (5) conditions which would have established a percentage restriction on the business uses. Neither the Maui Planning Commission nor the Council supported the restriction and, as such, there are no conditions of zoning that restrict uses within the M-1 Light Industrial District for this project.

Until there is legislation to amend Chapter 19.24, uses within the B-1, B-2, and B-3 are permitted in the M-1 Light Industrial District. It is noted that the Department is proposing to add an M-3 Heavy Industrial Zoning District which will exclude non-industrial uses. The proposed bill has been reviewed by the three (3) planning commissions and is currently with the Corporation Counsel's office for review as to form and legality. The Department anticipates transmitting the bill to the Council by summer.

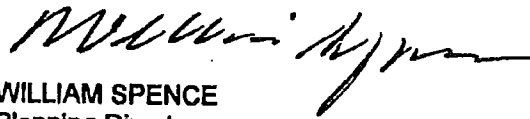
The Kihei-Makena Community Plan designates the project site for Light Industrial use. Light Industrial is described in the community plan as "warehousing, light assembly, service and craft-type industrial operations." Although the community plan describes light industrial in this manner, the County's M-1 Light Industrial District is a tiered system allowing for business uses in addition to light industrial uses. Therefore, the proposed retail center is deemed to be consistent with the community plan.

The property is not within the Special Management Area (SMA); therefore, the project is not subject to the SMA Rules. The project will be required to obtain building permits. At that time, County and State agencies will review the project relative to infrastructure, public services, design, parking, landscaping, etc.

Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Donald G. Couch, Jr.  
April 13, 2012  
Page 3

Thank you for your attention to this matter. Should you require further clarification be necessary, please contact Current Planning Supervisor Ann Cua at Ext. 7521.

Sincerely,



WILLIAM SPENCE  
Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)  
Ann T. Cua, Current Planning Supervisor (PDF)  
Randy Piltz, Mayors Office  
Patrick Wong, Corporation Counsel

WRS:ATC:rm

Project File  
General File

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## **APPENDIX T**

**Dept. of Planning Letter dated July 18, 2003**

Jul-21-03 08:31am  
ALAN M. AHAMUA  
Mayor

From-DEPT OF PLA G COUNTY OF MAUI

808-242818

T-462 P 01/02 F-139

MICHAEL W. FOLEY  
Director

WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**  
July 18, 2003

Mr. Charles Jencks  
Second and Peck  
2123 Kaohu Street  
Wailuku, Hawaii 96793

Dear Mr. Jencks:

**RE: HOTEL USE DESCRIPTION IN COMMUNITY PLANS**

I apologize for the delayed response to your letter of May 13, 2003, requesting clarification on the Community Plan's description of "Hotel," relative to how transient accommodations with kitchens are being found consistent with the Community Plan.

Part V of the Community Plans provides the land use categories and definitions shown on the Land Use Maps of the various Community Plans. It is noted that Hotel "applies to transient accommodations which do not contain kitchens within individual units. Such hotel facilities may include permissible accessory uses primarily intended to serve hotel guests."

However, in chapter 19.14.020 of the Maui County Code, "Hotel Districts", permits various other uses, i.e., residential, apartment, apartment-hotels, etc. where kitchens are constructed in conjunction with those uses.

The community plan is a planning document which provides guidance for government actions and decision making. In addition, implementation of the goals, objectives and policies within a community plan are effectuated by various processes including zoning. Therefore, transient vacation uses with kitchens, i.e., single family dwellings, apartments, and apartment-hotels, within the hotel zoning district are considered consistent with the community plan.

If you have any questions regarding this letter, please call Francis Cerizo, Staff Planner, at 270-7253.

Sincerely,

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

MICHAEL W. FOLEY  
Planning Director

Charles Jencks

808 242-0943

P. 3

JUL-21-03 08:31am From-DEPT OF PLA G COUNTY OF MAUI

808-242818

T-462 P 02/02 F-138

Mr. Charles Jencks  
July 11, 2003  
Page 2

MWF:AHS:FAC:phpk

xc: Clayton Yoshida, AICP, Planning Program Administrator  
Aaron Shinmoto, Planning Program Administrator  
~~Francis Ceize, Staff Planner~~  
03/ZAED TMK File  
03/GENERAL File  
K:\WP\_DOCS\PLANNING\LETTERS\ltr2003\1932jenckshotel.wpd



**APPENDIX U**  
**Declaration of Director of Planning**  
**dated January 23, 2007**



BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of The Application Of	)	DOCKET NO. SM1 2003/0021
	)	Genesee Capital
Gregory Schneider, Genesee Capital	)	JOEA
	)	
To Obtain a Special Management Area	)	DECLARATION OF DIRECTOR OF
Use Permit in Order to Redevelop the	)	PLANNING JEFF HUNT; EXHIBIT "A"
Existing Maui Lu Resort in to a 388 Unit	)	
Time Share Complex with Lock-Off Units,	)	
Recreational Amenities, Landscaping,	)	
Beach Nourishment and Related	)	
Improvements on Approximately 27.282	)	
Acres of Land in North Kihei at Maui Tax	)	
Map Key 3-9-001:083, 86, and 120	)	
Kihei, Maui, Hawaii,	)	
	)	

DECLARATION OF DIRECTOR OF PLANNING JEFF HUNT

I, Jeff Hunt, do declare:

1. I am Jeff Hunt, Director of the Department of Planning, County of Maui ("County").
2. The Department of Planning ("Department") is responsible for administering and enforcing the Special Management Area Rules of the County.
3. The Department provides support to the Maui Planning Commission ("Commission") which reviews and acts on developments that are proposed for construction on parcels of land located in the Special Management Area ("SMA") for the Island of Maui.
4. The Department and the Commission interprets and applies the SMA rules in determining whether or not a development in the SMA is consistent with said rules. The

Department and its staff have significant expertise in this field.

5. With regard to the requirement of consistency between the Community Plan and Zoning within the SMA, I have reviewed the records of the Department and the Planning Commission. I have inquired of the Planning Department staff as to the position and policy of the Department and the Commission on the issue. The letter of Michael Foley, then Director of Planning, dated July 18, 2003, attached hereto as Exhibit "A" accurately reflects the policy of the Department and the Commission in determining the consistency of a land use category ("Hotel") as defined in a Community Plan with respect to a permitted uses under the Hotel Zoning District.

6. It is the position of the Department that Community Plan definitions under Land Use Categories are not intended to prohibit other permissive uses allowed in the zoning districts that relate to the same Community Plan Land Use Category. The Community Plan Land Use Category definitions merely provide a generic reference to a land use pattern. The definitions are characteristic to those uses in the related zoning district.

7. For the past twenty-five years, the Department and the Commission have interpreted and determined that the Land Use Categories in the Community Plans, such as "Hotel", are characteristic of the type of land use development that are permitted to occur on the parcels of land zoned for such use.

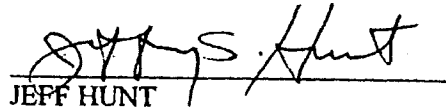
8. Additionally, since the 1980s when the first community plans were promulgated for the various regions in the County, the Department and the Commission have consistently interpreted and administered the six community plans on the Island of Maui, including the Kihei Makena Community Plan ("KMCP"), the West Maui Community Plan

("WMCP") and the Wailuku Kahului Community Plan ("WKCP") under this interpretation and policy.

9. The Planning Department and Planning Commission does not and has never interpreted the definition of Hotel under the Community Plan Land Use Category to prohibit kitchens in developments within the SMA.

I, Jeff Hunt, do declare under penalty of law that the foregoing is true and correct.

DATED: Wailuku, Hawaii, 1-23-07

  
JEFF HUNT

Jul-21-03 08:31am From-DEPT OF PLA G COUNTY OF MAUI  
ALAN M. AHAMUA  
Mayor

808-242818

T-462 P. 01/02 F-139

MICHAEL W. FOLEY  
Director

WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**  
July 18, 2003

Mr. Charles Jencks  
Second and Peck  
2123 Kaohu Street  
Wailuku, Hawaii 96793

Dear Mr. Jencks:

**RE: HOTEL USE DESCRIPTION IN COMMUNITY PLANS**

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Part V of the Community Plans provides the land use categories and definitions shown on the Land Use Maps of the various Community Plans. It is noted that Hotel "applies to transient accommodations which do not contain kitchens within individual units. Such hotel facilities may include permissible accessory uses primarily intended to serve hotel guests."

However, in chapter 19.14.020 of the Maui County Code, "Hotel Districts", permits various other uses, i.e., residential, apartment, apartment-hotels, etc. where kitchens are constructed in conjunction with those uses.

The community plan is a planning document which provides guidance for government actions and decision making. In addition, implementation of the goals, objectives and policies within a community plan are effectuated by various processes including zoning. Therefore, transient vacation uses with kitchens, i.e., single family dwellings, apartments, and apartment-hotels, within the hotel zoning district are considered consistent with the community plan.

If you have any questions regarding this letter, please call Francis Cerizo, Staff Planner, at 270-7253.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Foley".

MICHAEL W. FOLEY  
Planning Director

Charles Jencks

808 242-0943

P. 3

Jul-21-03 08:31am From-DEPT OF PLA J COUNTY OF MAUI

808-242818

T-462 P 02/02 F-138

Mr. Charles Jencks  
July 11, 2003  
Page 2

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xc: Clayton Yoshida, AICP, Planning Program Administrator  
Aaron Shinmoto, Planning Program Administrator  
~~Francis Genze, Staff Planner~~  
03/ZAED TMK File  
03/GENERAL File  
K:\WP\_DOCS\PLANNING\LETTERS\ltr2003\1932jenckshotel.wpd



## **APPENDIX V**

### **Deeds and Policies of Title Insurance**



R-77

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
SEP 16, 2010 08:01 AM

Doc No(s) 2010-136834



/s/ NICKI ANN THOMPSON  
REGISTRAR  
CONVEYANCE TAX: \$121138.10

20 1/2 22

LAND COURT

REGULAR SYSTEM

Return By Mail ☒ Pick-Up ☐ To:

Piilani Promenade North, LLC  
17802 Skypark Circle, Suite 200  
Irvine, California 92614  
Attention: Douglas Gray

CTN  
TG: 201026242-S  
TGE: 70-101-1479  
ANN OSHIRO

RS  
1

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: MAUI INDUSTRIAL PARTNERS, LLC

GRANTEE: PIILANI PROMENADE NORTH, LLC

TAX MAP KEY(S): (2) 3-9-001-016.

This document consists of 7 pages.)



## **WARRANTY DEED**

THIS INDENTURE made this 10 day of September, by and between MAUI INDUSTRIAL PARTNERS, LLC, a Delaware limited liability company, whose address is 1999 Avenue of the Stars, #2850, Los Angeles, California 90067, hereinafter referred to as the "GRANTOR", and PIILANI PROMENADE NORTH, LLC, a Delaware limited liability company, whose address is 17802 Skypark Circle, Suite 200, Irvine, California 92614, hereinafter referred to as the "GRANTEE."

### **W I T N E S S E T H:**

The Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in lawful money of the United States of America, and for other good and valuable consideration to the Grantor paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, the property described in Exhibit "A" attached hereto and by reference made a part hereof.

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances thereon and thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy and estate as hereinabove set forth, forever.

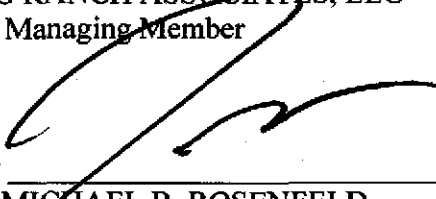
AND the Grantor hereby covenants and agrees with the Grantee, as aforesaid, that the Grantor is lawfully seised in fee simple of the property described in said Exhibit "A", and has good right and lawful authority to sell and convey the same as aforesaid; that said property is free and clear of all encumbrances, subject, however, to the reservations, restrictions, and encumbrances shown on said Exhibit "A", if any, and that the Grantor will WARRANT AND DEFEND the same unto the Grantee as aforesaid, against the lawful claims and demands of all persons whomsoever, except as herein set forth.

The covenants and obligations, and the rights and benefits of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, devisees, personal representatives, successors, successors in trust, and assigns, and all covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless otherwise expressly provided herein. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall mean and include the singular and the plural, and the use of any gender shall mean and include all genders.

IN WITNESS WHEREOF, the Grantor has executed these presents as of the day and year first above written.

MAUI INDUSTRIAL PARTNERS, LLC

By RG RANCH ASSOCIATES, LLC  
Its Managing Member

By   
MICHAEL B. ROSENFELD  
Its Manager

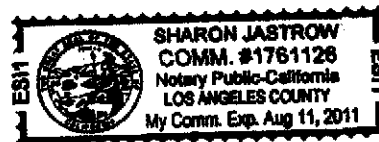
STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On September 3, 2010 before me, (here insert name and title of the officer), personally appeared Michael B. Rosenfeld who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature] (Seal)

Notary Public

NOTARY CERTIFICATION STATEMENT

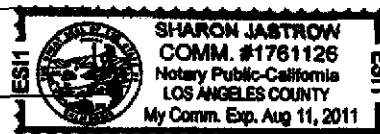
Document Identification or Description: Warranty Deed

Document Date: September 4, 2010

No. of Pages: 4

Jurisdiction (in which notarial act is performed):

Los Angeles County



Signature of Notary

Date of Notarization and  
Certification Statement

Sharon Jastrow

Printed Name of Notary

(Notary Stamp or Seal)

## EXHIBIT A

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RP-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2A of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 30.132 acres, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described as follows:

Beginning at a point at the northwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 14,712.22 feet north and 22,404.94 feet west and running by azimuths measured clockwise from true South:

1. 270° 04' 30" 1,158.87 feet along the Waiakoa-Kaonoulu Boundary, being also along Grant 11400 to Ernest Kia Naeole to a point;
2. 346° 48' 1,072.89 feet along Lot 2B of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
3. 82° 00' 495.67 feet along Lot 2E (Ka'ono'ulu Street) of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
4. Thence along same on a curve to the left with a radius of 3,562.00 feet, the chord azimuth and distance being: 79° 24' 323.17 feet to a point;
5. 76° 48' 271.44 feet along same to a point;
6. Thence along same on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being: 121° 48' 56.57 feet to a point;
7. 166° 48' 1,239.41 feet along Lot 2G of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along

## EXHIBIT A CONTINUED

the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to the point of beginning and containing an area of 30.132 acres, more or less.

Together with a non-exclusive easement for access purposes in common with all others entitled thereto, over and across LOTS 2E and 2G of the "Kaonoulu Ranch (Large Lot) Subdivision No. 2" (Subdivision File No. 2.2795); and subject to the terms and provisions contained therein.

Together with a perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Grant to the County of Maui dated December 12, 1979, recorded in said Bureau of Conveyances in Liber 14514 Page 194, granting a nonexclusive easement for water pipeline purposes over, under, across and through Waterline Easement No. 2, being more particularly described in Exhibit A attached thereto.

2. No vehicular access permitted along Lot 2G Road Widening parcel and portion of Ka'ono'ulu Street, as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009, approved by the County of Maui, Planning Department, on August 14, 2009.

3. The terms and provisions contained in Document Listing Conditions To Reclassification Of Land, dated April 11, 1995, recorded in said Bureau of Conveyances as Document No. 95-049920, made by Kaonoulu Ranch, a Hawaii limited partnership.

4. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated April 1, 1999, recorded in said Bureau of Conveyances as Document No. 99-065049, made by Kaonoulu Ranch, a Hawaii limited partnership.

5. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated --- (acknowledged December 1, 2000 and December 13, 2000), recorded in said Bureau of Conveyances as Document No. 2000-182505, by and between Kaonoulu Ranch and the County of Maui.

## EXHIBIT A CONTINUED

6. Right-of-Entry to the Board of Water Supply dated October 22, 2001, recorded in said Bureau of Conveyances as Document No. 2001-192187, granting a right of entry for the construction, maintenance, operation, repair and removal of water system improvements, etc.

7. Water rights, claims or title to water, whether or not shown by public records.

8. The terms and provisions contained in Declaration of Restrictive Covenants dated February 21, 2006, recorded in said Bureau of Conveyances as Document No. 2006-063410.

9. Grant to Maui Electric Company, Limited and GTE Hawaiian Telephone Company Incorporated, now known as Hawaiian Telcom, Inc. dated October 20, 2008, recorded in said Bureau of Conveyances as Document No. 2008-193398, granting a perpetual nonexclusive easement for utility purposes.

10. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

11. Existing natural drainway shown on map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.

12. Encroachments and any other matters as shown on survey map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.

13. Any loss or damage which may arise by reason of Archaeological sites disclosed by letter dated July 21, 2006 from the State of Hawaii, Department of Land and Natural Resources, regarding Chapter 6E-42 Historic Preservation Review (County/DSA) Construction Plan Review and Drainage Report (File No. 2.2795) for the Proposed Ka'onu'ulu Marketplace AKA Ka'onu'ulu Ranch Large Lot Subdivision, that are not resolved in accordance to recommendations contained therein.

**NOTE:** There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

770



R-78

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

SEP 16, 2010 08:01 AM

Doc No(s) 2010-136835



Is/ NICKI ANN THOMPSON  
REGISTRAR  
CONVEYANCE TAX: \$180061.90

20 2/2 Z2

LAND COURT

*Vh* REGULAR SYSTEM

Return By Mail ☒ Pick-Up ☐ To:

Piilani Promenade South, LLC  
17802 Skypark Circle, Suite 200  
Irvine, California 92614  
Attention: Douglas Gray

*CTW*  
TG: 2010 20242-S  
TGE: 70-101-1479  
ANN OSHIRO

*RS*  
*2*

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: MAUI INDUSTRIAL PARTNERS, LLC

GRANTEE: PIILANI PROMENADE SOUTH, LLC

TAX MAP KEY(S): (2) 3-9-001-170  
(2) 3-9-001-171  
(2) 3-9-001-172  
(2) 3-9-001-173  
(2) 3-9-001-174

This document consists of 19 pages.)



## WARRANTY DEED

THIS INDENTURE made this 10 day of September, by and between MAUI INDUSTRIAL PARTNERS, LLC, a Delaware limited liability company, whose address is 1999 Avenue of the Stars, #2850, Los Angeles, California 90067, hereinafter referred to as the "GRANTOR", and PIILANI PROMENADE SOUTH, LLC, a Delaware limited liability company, whose address is 17802 Skypark Circle, Suite 200, Irvine, California 92614, hereinafter referred to as the "GRANTEE."

## W I T N E S S E T H:

The Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), in lawful money of the United States of America, and for other good and valuable consideration to the Grantor paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, the property described in Exhibit "A" attached hereto and by reference made a part hereof.

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances thereon and thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy and estate as hereinabove set forth, forever.

AND the Grantor hereby covenants and agrees with the Grantee, as aforesaid, that the Grantor is lawfully seised in fee simple of the property described in said Exhibit "A", and has good right and lawful authority to sell and convey the same as aforesaid; that said property is free and clear of all encumbrances, subject, however, to the reservations, restrictions, and encumbrances shown on said Exhibit "A", if any, and that the Grantor will WARRANT AND DEFEND the same unto the Grantee as aforesaid, against the lawful claims and demands of all persons whomsoever, except as herein set forth.

The covenants and obligations, and the rights and benefits of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, devisees, personal representatives, successors, successors in trust, and assigns, and all covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless otherwise expressly provided herein. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall mean and include the singular and the plural, and the use of any gender shall mean and include all genders.

IN WITNESS WHEREOF, the Grantor has executed these presents as of the day and year first above written.

MAUI INDUSTRIAL PARTNERS, LLC

By RG RANCH ASSOCIATES, LLC  
Its Managing Member

By   
MICHAEL B. ROSENFELD  
Its Manager

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

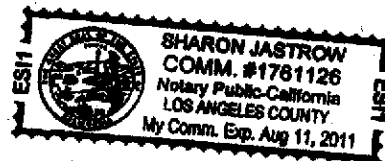
On September 3, 2010 before me, (here insert name and title of the officer), personally appeared Michael B. Rosenfeld who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

Notary Public



NOTARY CERTIFICATION STATEMENT

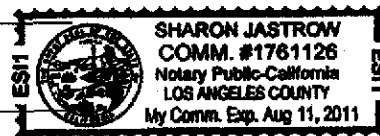
Document Identification or Description: Warranty Deed

Document Date: September 3, 2010

No. of Pages: 4

Jurisdiction (in which notarial act is performed):

Los Angeles County



Signature of Notary [Handwritten Signature]

Date of Notarization and  
Certification Statement

Sharon Jastrow

Printed Name of Notary

(Notary Stamp or Seal)

## EXHIBIT A

### -PARCEL FIRST-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RP-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2C of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009 ( the "Approved Subdivision Map"), containing an area of 18.519 acres, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described below:

Beginning at a point at the most southerly corner of this parcel of land, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 12,568.47 feet north and 21,034.44 feet west and running by azimuths measured clockwise from true South:

1. 166° 48'      754.24    feet along Lot 2D of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
2. 256° 48'      210.00    feet along same to a point;
3. 166° 48'      188.98    feet along same to a point;
4. 262° 00'      161.88                      along Lot 2E (Ka'ono'ulu Street) of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
5. Thence along same on a curve to the left with a radius of 2,062.00 feet, the chord azimuth and distance

EXHIBIT A CONTINUED

being: 258° 12' 30" 272.72 feet  
to a point;

6. 254° 25' 225.98 feet along same to a point;
7. 344° 25' 646.29 feet along Lot 1 of Kaonoulu Ranch (Large-Lot) Subdivision, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
8. Thence along same on curve to the right with a radius of 346.00 feet, the chord azimuth and distance being; 35° 12' 536.13 feet to a point;
9. 85° 59' 280.13 feet along same to a point;
10. 83° 30' 220.55 feet along same to the point of beginning and containing an area of 18.519 acres, more or less.

Together with a non-exclusive easement for access purposes in common with all others entitled thereto, over and across LOTS 2E and 2G of the "Kaonoulu Ranch (Large Lot) Subdivision No. 2" (Subdivision File No. 2.2795); provided, however, that if and when in the event any of said lots is conveyed, transferred and dedicated to any government authority and accepted as public highway or road, said easement as to the lot so conveyed shall automatically cease and terminate.

Together with a non-exclusive easement for drainage purposes, as granted by instrument dated February 21, 2006, recorded as Document No. 2006-063411, amended by instrument dated May 5, 2010, recorded as Document No. 2010-069419, said easement being more particularly described therein; subject, however, to the terms and provisions contained therein.

Together with a non-exclusive easement for access and utility purposes over Easement "4", as granted by instrument dated February 21, 2006, recorded as Document No. 2006-063412, amended by instrument dated May 5, 2010, recorded as Document No. 2010-069418, said easement being more particularly described therein; subject, however, to the terms and provisions contained therein.

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

## EXHIBIT A CONTINUED

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Grant to the County of Maui dated August 28, 2008, recorded in said Bureau of Conveyances as Document No. 2009-028680, granting a perpetual nonexclusive easement for access to water meter, said easement being Easement "W-2", containing an area of 14,735 square feet, more or less, and being more particularly described therein.

2. Designation of Easement "D-1," on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

3. Designation of Easement "W-2," on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009

### -PARCEL SECOND-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RP-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2D of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 19.539 acres, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described below:

Beginning at a point at the southeasterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 12,568.47 feet north and 21,034.44 feet west and running by azimuths measured clockwise from true South:

1. 83° 30' 79.45 feet along Lot 1 of Kaonoulu Ranch (Large-Lot) Subdivision, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No.

EXHIBIT A CONTINUED

56) to a point;

2. 80° 58' 379.00 feet along same to a point;
3. 78° 19' 387.99 feet along same to a point;
4. 166° 48' 909.59 feet along Lot 2F of Kaonoulu Ranch (Large-Lot) Subdivision No. 2 and along the easterly side of Piilani Highway (F.A.P. No. RF-031-1(5)), being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
5. Thence along Lot 2E (Ka'ono'ulu Street) of Kaonoulu Ranch (Large-Lot) Subdivision No. 2 being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being: 211° 48' 56.57 feet to a point;
6. 256° 48' 271.44 feet along same to a point;
7. Thence along same on curve to the right with a radius of 3,438.00 feet, the chord azimuth and distance being: 259° 24' 311.92 feet to a point;
8. 262° 00' 433.51 feet along same to a point;
9. 346° 48' 188.98 feet along Lot 2C of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
10. 76° 48' 210.00 feet along same to a point;



## EXHIBIT A CONTINUED

11. 346° 48' 754.24 feet along same to the point of beginning and containing an area of 19.539 acres, more or less.

Together with a non-exclusive easement for access purposes in common with all others entitled thereto, over and across LOTS 2E and 2G of the "Kaonoulu Ranch (Large Lot) Subdivision No. 2" (Subdivision File No. 2.2795); provided, however, that if and when in the event any of said lots is conveyed, transferred and dedicated to any government authority and accepted as public highway or road, said easement as to the lot so conveyed shall automatically cease and terminate.

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following;

1. Grant to the County of Maui dated December 12, 1979, recorded in said Bureau of Conveyances in Liber 14514 Page 194, granting a nonexclusive easement for water pipeline purposes over, under, across and through Waterline Easement No. 2, being more particularly described in Exhibit A attached thereto.
2. Restriction of rights of vehicle access into and from Piilani Highway, Federal Aid Project No. RF-031-1(5), except where access is permitted, pursuant to the rights of access acquired by the State of Hawaii By Final Order of Condemnation dated and filed January 21, 1986 in the Circuit Court of the Second Circuit, State of Hawaii, in Civil No. 3858, and recorded in the Bureau of Conveyances in Liber 19285 at Page 434 on February 11, 1986.
3. Grant to Tony Haruyoshi Hashimoto and Hilda Hashimoto; Evelyn H. Hashimoto; Hedy Naomi Kaneoka; Grace T. Tsutahara; Susan H. Hashimoto-Shinozuka; Harry H. Hashimoto, et al. dated July 20, 1987, recorded in said Bureau of Conveyances in Liber 20934 Page 687, granting perpetual easements for drainage purposes over, under, across and through Drainage Easement No. 1 and Drainage Easement No. 2, being more particularly described in Exhibits A and B, respectively, attached thereto, amended by Amendment To Grant Of Easement dated October 20, 1989, recorded as Document No. 90-029038.
4. Grant to the County of Maui dated August 28, 2008, recorded in said Bureau of Conveyances as Document No. 2009-028679, granting a perpetual nonexclusive easement for access to water meter, said easement being Easement "W-1", containing an area of

## EXHIBIT A CONTINUED

23,514 square feet, more or less, and being more particularly described therein.

5. Designation of Easement "D-2" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

6. Designation of Easement "W-1" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

7. No vehicular access permitted along Lot 2F Road Widening parcel and portion of Ka'ono'ulu Street, as shown on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

### -PARCEL THIRD-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RF-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2E of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 4.898 acres, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described as follows:

Beginning at a point at the northeasterly corner of this piece of land, on the easterly side of Piilani Highway, Federal Aid Project No. RF-031-1(5), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 13,793.13 feet north and 20,433.75 feet west, thence running by azimuths measured clockwise from true South:

1. 344° 25'      124.00    feet along Lot 1 of Kaonoulu Ranch (Large-Lot) Subdivision, being also along the remainder of Royal Patent 7447, Land Commission award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
2. 74° 25'      225.98    feet along Lot 2C of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H.

EXHIBIT A CONTINUED

Hewahewa (Certificate of  
Boundaries No. 56);

3. Thence along same on a curve to the right with a radius of 2,062.00 feet, the chord azimuth and distance being:

78° 12' 30" 272.72 feet;

4. 82° 00' 595.39 feet along Lots 2C and 2 D of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);

5. Thence along Lot 2D of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) on a curve to the left with a radius of 3,438.00 feet, the chord azimuth and distance being:

79° 24' 311.92 feet;

6. 76° 48' 271.44 feet along same;

7. Thence along same on a curve to the left having a radius of 40.00 feet, the chord azimuth and distance being:

31° 48' 56.57 feet;

8. 166° 48' 204.00 feet along the easterly side of Piilani Highway (F.A.P. No. RF-031-1(5)) and Lot 2G of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);

EXHIBIT A CONTINUED

9. Thence along Lot 2A of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) on a curve to the left having a radius of 40.00 feet, the chord azimuth and distance being:

301° 48' 56.57 feet;

10. 256° 48' 271.44 feet along same;

11. Thence along same on a curve to the right with a radius of 3,562.00 feet, the chord azimuth and distance being:

259° 24' 323.17 feet;

12. 262° 00' 595.39 feet along Lots 2A and 2B of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to Hewahewa (Certificate of Boundaries No. 56);

13. Thence along Lot 2B of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) on a curve to the left with a radius of 1,938.00 feet, the chord azimuth and distance being:

258° 12' 30" 256.32 feet;

14. 254° 25' 225.98 feet along same to the point of beginning and containing an area of 4.898 acres, more or less.

Together with a non-exclusive easement for access purposes in common with all others

## EXHIBIT A CONTINUED

entitled thereto, over and across LOT 2G of the "Kaonoulu Ranch (Large Lot) Subdivision No. 2" (Subdivision File No. 2.2795); provided, however, that if and when in the event any of said lots is conveyed, transferred and dedicated to any government authority and accepted as public highway or road, said easement as to the lot so conveyed shall automatically cease and terminate.

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Grant to the County of Maui dated December 12, 1979, recorded in said Bureau of Conveyances in Liber 14514 Page 194, granting a nonexclusive easement for water pipeline purposes over, under, across and through Waterline Easement No. 2, being more particularly described in Exhibit A attached thereto

2. Grant to Tony Haruyoshi Hashimoto And Hilda Hashimoto; Evelyn H. Hashimoto; Hedy Naomi Kaneoka; Grace T. Tsutahara; Susan H. Hashimoto-Shinozuka; Harry H. Hashimoto, et al., dated July 20, 1987 recorded in said Bureau of Conveyances in Liber 20934 Page 687, granting perpetual easements for drainage purposes over, under, across and through Drainage Easement No. 1 and Drainage Easement No. 2, being more particularly described in Exhibits A and B, respectively, attached thereto

Said above GRANT was amended by AMENDMENT TO GRANT OF EASEMENT dated October 20, 1989, recorded as Document No. 90-029038.

3. Rights of access in favor of LOT 2B, TMK: (2) 3-9-001-169, as granted by instrument dated August 20, 2009, recorded as Document No. 2009-128889.

4. Rights of access in favor of LOT 2A, as granted by instrument recorded concurrently herewith.

5. Rights of access in favor of LOTS 2C and 2D, as granted herein by this instrument.

6. Designation of Easement "1" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

## EXHIBIT A CONTINUED

7. Designation of Easement "W-5" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

8. Rights of the State of Hawaii as shown on Subdivision Map File No. 2.295, approved by the County of Maui, Planning Department on August 14, 2009, and said Subdivision Map referenced in Affidavit of Reed M. Ariyoshi, recorded as Document No. 2009-126712.

### -PARCEL FOURTH-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RP-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2F of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 0.924 acre, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described as follows:

1. Beginning at a point at the southwesterly corner of this piece of land, on the easterly side of Piilani Highway, Federal Aid Project No. RF-031-1 (5)), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 12,410.49 feet north and 21,916.43 feet west, thence running by azimuths measured clockwise from true South:
2. 166° 48' 805.00 feet along the easterly side of Piilani Highway (Federal Aid Project No. RF-031-1(5));
3. 256° 48' 50.00 feet;
4. 346° 48' 805.53 feet along Lot 2D of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission

EXHIBIT A CONTINUED

Award 3237, Part 2 to H.  
Hewahewa (Certificate of  
Boundaries No. 56);

5. 78° 19' 20.01 feet along Lot 1 of Kaonoulu Ranch (Large-Lot) Subdivision, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);
6. 76° 48' 30.00 feet along the easterly side of Piilani Highway (Federal Aid Project No. RF-0311(5)) to the point of beginning and containing an area of 0.924 acre, more or less.

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Grant to the County of Maui dated December 12, 1979, recorded in said Bureau of Conveyances in Liber 14514 Page 194, granting a nonexclusive easement for water pipeline purposes over, under, across and through Waterline Easement No. 2, being more particularly described in Exhibit A attached thereto.

2. Grant to Tony Haruyoshi Hashimoto And Hilda Hashimoto; Evelyn H. Hashimoto; Hedy Naomi Kaneoka; Grace T. Tsutahara; Susan H. Hashimoto-Shinozuka; Harry H. Hashimoto, et al., dated July 20, 1987 recorded in said Bureau of Conveyances in Liber 20934 Page 687, granting perpetual easements for drainage purposes over, under, across and through Drainage Easement No. 1 and Drainage Easement No. 2, being more particularly described in Exhibits A and B, respectively, attached thereto.

Said above GRANT was amended by Amendment to Grant of Easement dated October 20, 1989, recorded as Document No. 90-029038.



EXHIBIT A CONTINUED

3. Rights of the State of Hawaii as shown on Subdivision Map File No. 2.295, approved by the County of Maui, Planning Department on August 14, 2009, and said Subdivision Map referenced in Affidavit of Reed M. Ariyoshi, recorded as Document No. 2009-126712.

4. Restriction of rights of vehicle access into and from Piilani Highway, Federal Aid Project No. RF-031-1(5), except where access is permitted, pursuant to the rights of access acquired by the STATE OF HAWAII by FINAL ORDER OF CONDEMNATION dated and filed January 21, 1986 in the Circuit Court of the Second Circuit, State of Hawaii, in Civil No. 3858, and recorded in the Bureau of Conveyances in Liber 19285 at Page 434 on February 11, 1986.

-PARCEL FIFTH-

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RF-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2G of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 0.859 acre, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described as follows:

1. Beginning at a point at the northeasterly corner of this piece of land, on the easterly side of Piilani Highway, Federal Aid Project No. RF-031-1(5), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 14,712.22 feet north and 22,404.94 feet west, thence running by azimuths measured clockwise from true South:
2. 346° 48' 1,427.47 feet along Lots 2A and 2E of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56);

## EXHIBIT A CONTINUED

3. 76° 48' 25.00 feet along the easterly side of Piilani Highway  
(Federal Aid Project No. RF-031-1(5));
4. 166° 48' 1,365.55 feet along same;
5. 97° 30' 26.72 feet along same;
6. 166° 48' 64.27 feet along same;
7. 270° 04' 30" 51.37 feet along the Waiakoa-Kaonoulu Boundary,  
being also along Grant 11400 to  
Ernest Kia Naeole to the point  
of beginning and containing an  
area of 0.859 acre, more or less.

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

SUBJECT, HOWEVER, to the following:

1. Rights of access in favor of LOT 2B, TMK: (2) 3-9-001-169, as granted by instrument dated August 20, 2009, recorded as Document No. 2009-128889.
2. Rights of access in favor of LOT 2A, as granted by instrument recorded concurrently herewith.
3. Rights of access in favor of LOTS 2C, 2D and 2E, as granted herein by this instrument.
4. Grant to Tony Haruyoshi Hashimoto And Hilda Hashimoto; Evelyn H. Hashimoto; Hedy Naomi Kaneoka; Grace T. Tsutahara; Susan H. Hashimoto-Shinozuka; Harry H. Hashimoto, et al., dated July 20, 1987 recorded in said Bureau of Conveyances in Liber 20934 Page 687, granting perpetual easements for drainage purposes over, under, across and through Drainage Easement No. 1 and Drainage Easement No. 2, being more particularly described in Exhibits A and B, respectively, attached thereto

Said above GRANT was amended by AMENDMENT TO GRANT OF EASEMENT dated October 20, 1989, recorded as Document No. 90-029038.

EXHIBIT A CONTINUED

5. Designation of Easement "2" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

6. Designation of Easement "W-5" on said Approved Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009.

7. Rights of the State of Hawaii as shown on Subdivision Map File No. 2.295, approved by the County of Maui, Planning Department on August 14, 2009, and said Subdivision Map referenced in Affidavit of Reed M. Ariyoshi, recorded as Document No. 2009-126712.

8. Restriction of rights of vehicle access into and from Piilani Highway, Federal Aid Project No. RF-031-1(5), except where access is permitted, pursuant to the rights of access acquired by the STATE OF HAWAII by FINAL ORDER OF CONDEMNATION dated and filed January 21, 1986 in the Circuit Court of the Second Circuit, State of Hawaii, in Civil No. 3858, and recorded in the Bureau of Conveyances in Liber 19285 at Page 434 on February 11, 1986.

AS TO PARCELS FIRST, SECOND, THIRD, FOURTH AND FIFTH, SUBJECT, HOWEVER, to the following:

1. The terms and provisions contained in Document Listing Conditions To Reclassification Of Land, dated April 11, 1995, recorded in said Bureau of Conveyances as Document No. 95-049920, made by Kaonoulu Ranch, a Hawaii limited partnership.

2. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated April 1, 1999, recorded in said Bureau of Conveyances as Document No. 99-065049, made by Kaonoulu Ranch, a Hawaii limited partnership.

3. The terms and provisions contained in Agreement for Allocation of Future Subdivision Potential dated --- (acknowledged December 1, 2000 and December 13, 2000), recorded in said Bureau of Conveyances as Document No. 2000-182505, by and between Kaonoulu Ranch and the County of Maui.

4. Right-of-Entry to the Board of Water Supply dated October 22, 2001, recorded in said Bureau of Conveyances as Document No. 2001-192187, granting a right of entry for the construction, maintenance, operation, repair and removal of water system improvements, etc.

5. Water rights, claims or title to water, whether or not shown by public records

6. The terms and provisions contained in Declaration of Restrictive Covenants dated February 21, 2006, recorded in said Bureau of Conveyances as Document No. 2006-063410.

EXHIBIT A CONTINUED

7. Grant to Maui Electric Company, Limited and GTE Hawaiian Telephone Company Incorporated, now known as Hawaiian Telcom, Inc. dated October 20, 2008, recorded in said Bureau of Conveyances as Document No. 2008-193398, granting a perpetual nonexclusive easement for utility purposes.

8. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

9. Existing natural drainway shown on map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.

10. Encroachments and any other matters as shown on survey map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.

11. Any loss or damage which may arise by reason of Archaeological sites disclosed by letter dated July 21, 2006 from the State of Hawaii, Department of Land and Natural Resources, regarding Chapter 6E-42 Historic Preservation Review (County/DSA) Construction Plan Review and Drainage Report (File No. 2.2795) for the Proposed Ka'onu'ulu Marketplace AKA Ka'onu'ulu Ranch Large Lot Subdivision, that are not resolved in accordance to recommendations contained therein.

NOTE: There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

# Policy of Title Insurance

ISSUED BY



**The Talon Group**

TITLE AND SETTLEMENT SERVICES

*A Division of First American Title Insurance Company*

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.

*First American Title Insurance Company*

**Insurance Agent**  
**Title Guaranty of Hawaii, Inc.**  
P.O. Box 3084  
Honolulu, HI 96802  
(808) 533-6261

By: \_\_\_\_\_

President

By: \_\_\_\_\_

Secretary

107429



## EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
  - (a) created, suffered, assumed or agreed to by the insured claimant;
  - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
  - (c) resulting in no loss or damage to the insured claimant;
  - (d) attaching or created subsequent to Date of Policy; or
  - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
  - (a) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
  - (b) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
    - (i) to timely record the instrument of transfer; or
    - (ii) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

(g) **"Unmarketability of the title"**: an alleged or apparent matter affecting the title to the land, not excluded or excepted from coverage, which would entitle a purchaser of the estate or interest described in Schedule A to be released from the obligation to purchase by virtue of a contractual condition requiring the delivery of marketable title.

## 2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE.

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured only so long as the insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from the insured, or only so long as the insured shall have liability by reason of covenants of warranty made by the insured in any transfer or conveyance of the estate or interest. This policy shall not continue in force in favor of any purchaser from the insured of either (i) an estate or interest in the land, or (ii) an indebtedness secured by a purchase money mortgage given to the insured.

## 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT.

The insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 4(a) below, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If prompt notice shall not be given to the Company, then as to the insured all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any insured under this policy unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

## 4. DEFENSE AND PROSECUTION OF ACTIONS; DUTY OF INSURED CLAIMANT TO COOPERATE.

- (a) Upon written request by the insured and subject to the options contained in Section 6 of these Conditions and Stipulations, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an insured in litigation in which any third party asserts a claim adverse to the title or interest as insured, but only as to those stated causes of action alleging a defect, lien or encumbrance or other matter insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the insured to object for reasonable cause) to represent the insured as to those stated causes of action and shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs or expenses incurred by the insured in the defense of those causes of action which allege matters not insured against by this policy.
- (b) The Company shall have the right, at its own cost, to institute and prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest, as insured, or to prevent or reduce loss or damage to the insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this policy. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (c) Whenever the Company shall have brought an action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.
- (d) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of the insured for this purpose. Whenever requested by the Company, the insured, at the Company's expense, shall give the Company all reasonable aid (i) in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as insured. If the Company is prejudiced by the failure of the insured to furnish the required cooperation, the Company's obligations to the insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

## 5. PROOF OF LOSS OR DAMAGE.

In addition to and after the notices required under Section 3 of these Conditions and Stipulations have been provided the Company, a proof of loss or damage signed and sworn to by the insured claimant shall be furnished to the Company within 90 days after the insured claimant shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the defect in, or lien or encumbrance on the title, or other matter insured against by this policy which constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the insured claimant to provide the required proof of loss or damage, the Company's obligations to the insured under the policy shall terminate,

## CONDITIONS AND STIPULATIONS

### 1. DEFINITION OF TERMS.

The following terms when used in this policy mean:

- (a) **"Insured"**: the insured named in Schedule A, and, subject to any rights or defenses the Company would have had against the named insured, those who succeed to the interest of the named insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.
- (b) **"Insured claimant"**: an insured claiming loss or damage.
- (c) **"Knowledge" or "known"**: actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of the public records as defined in this policy or any other records which impart constructive notice of matters affecting the land.
- (d) **"Land"**: the land described or referred to in Schedule [A][C], and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule [A][C], nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.
- (e) **"Mortgage"**: mortgage, deed of trust, trust deed, or other security instrument.
- (f) **"Public records"**: records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge. With respect to Section 1(a)(iv) of the Exclusions From Coverage, "public records" shall also include environmental protection liens filed in the records of the clerk of the United States district court for the district in which the land is located.

including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such proof of loss or damage.

In addition, the insured claimant may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Policy, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the insured claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the insured claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the insured claimant to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in this paragraph shall terminate any liability of the Company under this policy as to that claim.

#### **6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY.**

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

- (i) To pay or tender payment of the amount of insurance under this policy together with any costs, attorneys' fees and expenses incurred by the insured claimant, which were authorized by the Company, up to the time of payment or tender of payment and which the Company is obligated to pay.
- (ii) Upon the exercise by the Company of this option, all liability and obligations to the insured under this policy, other than to make the payment required, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, and the policy shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other than the Insured or With the Insured Claimant.

- (i) to pay or otherwise settle with other parties for or in the name of an insured claimant any claim insured against under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay; or
- (ii) to pay or otherwise settle with the insured claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees and expenses incurred by the insured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in paragraphs (b)(i) or (ii), the Company's obligations to the insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute or continue any litigation.

#### **7. DETERMINATION, EXTENT OF LIABILITY AND COINSURANCE.**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the insured claimant who has suffered loss or damage by reason of matters insured against by this policy and only to the extent herein described.

(a) The liability of the Company under this policy shall not exceed the least of:

- (i) the Amount of Insurance stated in Schedule A; or,
- (ii) the difference between the value of the insured estate or interest as insured and the value of the insured estate or interest subject to the defect, lien or encumbrance insured against by this policy.

(b) In the event the Amount of Insurance stated in Schedule A at the Date of Policy is less than ~~80 percent of the value of the insured estate or interest or the full consideration paid for the~~ land, whichever is less, or if subsequent to the Date of Policy an improvement is erected on the land which increases the value of the insured estate or interest by at least 20 percent over the Amount of Insurance stated in Schedule A, then this Policy is subject to the following:

- (i) where no subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that the amount of insurance at Date of Policy bears to the total value of the insured estate or interest at Date of Policy; or
- (ii) where a subsequent improvement has been made, as to any partial loss, the Company shall only pay the loss pro rata in the proportion that 120 percent of the Amount of Insurance stated in Schedule A bears to the sum of the Amount of Insurance stated in Schedule A and the amount expended for the improvement.

The provisions of this paragraph shall not apply to costs, attorneys' fees and expenses for which the Company is liable under this policy, and shall only apply to that portion of any loss which exceeds, in the aggregate, 10 percent of the Amount of Insurance stated in Schedule A.

(c) The Company will pay only those costs, attorneys' fees and expenses incurred in accordance with Section 4 of these Conditions and Stipulations.

#### **8. APPORTIONMENT.**

If the land described in Schedule [A][C] consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of the parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement or by an endorsement attached to this policy.

#### **9. LIMITATION OF LIABILITY.**

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures the lack of a right of access to or from the land, or cures the claim of unmarketability of title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title as insured.
- (c) The Company shall not be liable for loss or damage to any insured for liability voluntarily assumed by the insured in settling any claim or suit without the prior written consent of the Company.

#### **10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY.**

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto.

#### **11. LIABILITY NONCUMULATIVE.**

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring a mortgage to which exception is taken in Schedule B or to which the insured has agreed, assumed, or taken subject, or which is hereafter executed by an insured and which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy to the insured owner.

#### **12. PAYMENT OF LOSS.**

- (a) No payment shall be made without producing this policy for endorsement of the payment unless the policy has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within 30 days thereafter.

#### **13. SUBROGATION UPON PAYMENT OR SETTLEMENT.**

- (a) **The Company's Right of Subrogation.** Whenever the Company shall have settled and paid a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which the insured claimant would have had against any person or property in respect to the claim had this policy not been issued. If requested by the Company, the insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The insured claimant shall permit the Company to sue, compromise or settle in the name of the insured claimant and to use the name of the insured claimant in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the insured claimant, the Company shall be subrogated to these rights and remedies in the proportion which the Company's payment bears to the whole amount of the loss.

If loss should result from any act of the insured claimant, as stated above, that act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against by this policy which shall exceed the amount, if any, lost to the Company by reason of the impairment by the insured claimant of the Company's right of subrogation.

- (b) **The Company's Rights Against Non-insured Obligors.** The Company's right of subrogation against non-insured obligors shall exist and shall include, without limitation, the rights of the insured to indemnities, guaranties, other policies of insurance or bonds, notwithstanding any terms or conditions contained in those instruments which provide for subrogation rights by reason of this policy.



#### **14. ARBITRATION**

Unless prohibited by applicable law, either the Company or the insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$1,000,000 or less shall be arbitrated at the option of either the Company or the insured. All arbitrable matters when the Amount of Insurance is in excess of \$1,000,000 shall be arbitrated only when agreed to by both the Company and the insured. Arbitration pursuant to this policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the insured, the Rules in effect at Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

The law of the situs of the land shall apply to an arbitration under the Title Insurance Arbitration Rules.

A copy of the Rules may be obtained from the Company upon request.

#### **15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT.**

- (a) This policy together with all endorsements, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or by any action asserting such claim, shall be restricted to this policy.

(c) No amendment of or endorsement to this policy can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

#### **16. SEVERABILITY.**

In the event any provision of the policy is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision and all other provisions shall remain in full force and effect.

#### **17. NOTICES, WHERE SENT.**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this policy and shall be addressed to the Company at 1 First American Way, Santa Ana, California, 92707.

SCHEDULE A

Premium: \$9,636.00

Amount of Insurance: \$12,113,812.00

Date of Policy: September 16, 2010 at 8:01 a.m.

Policy No.: FJ -000107429

Agent's No.: 201026242A

ALTA Owner's Policy (10-17-92)

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1. Name of Insured:

PIILANI PROMENADE NORTH, LLC, a Delaware limited liability  
company, as Fee Owner

2. Title to the estate or interest in the land is vested in:

THE NAMED INSURED

3. The estate or interest in the land which is covered by this  
policy is:

FEE SIMPLE

4. The land referred to in this policy is described as follows:

See Schedule C.

SCHEDULE B

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All matters set forth in the paragraphs below the caption "Exclusions from Coverage" on the inside cover of this Policy and the following matters are expressly excluded from the coverage of this Policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason thereof.

1. Real Property Taxes, Second Installment, Fiscal Year July 1, 2010 - June 30 2011.

Payable on or before February 20, 2011.

Lot 2A is covered by Tax Key (2) 3-9-001-016.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

3. GRANT

TO : COUNTY OF MAUI

DATED : December 12, 1979

RECORDED : Liber 14514 Page 194

GRANTING : a nonexclusive easement for water pipeline purposes over, under, across and through Waterline Easement No. 2, being more particularly described in Exhibit A attached thereto

SCHEDULE B CONTINUED

4. No vehicular access permitted along Lot 2G Road Widening parcel and portion of Ka'ono'ulu Street, as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, dated September 3, 2003, last revised July 9, 2009, approved by the County of Maui, Planning Department, on August 14, 2009 (the "Approved Subdivision Map").

5. The terms and provisions contained in the following:

INSTRUMENT : DOCUMENT LISTING CONDITIONS TO RECLASSIFICATION OF  
LAND

DATED : April 11, 1995

RECORDED : Document No. 95-049920

PARTIES : KAONOULU RANCH, a Hawaii limited partnership

6. The terms and provisions contained in the following:

INSTRUMENT : UNILATERAL AGREEMENT AND DECLARATION FOR  
CONDITIONAL ZONING

DATED : April 1, 1999

RECORDED : Document No. 99-065049

PARTIES : KAONOULU RANCH, a Hawaii limited partnership

7. The terms and provisions contained in the following:

INSTRUMENT : AGREEMENT FOR ALLOCATION OF FUTURE SUBDIVISION  
POTENTIAL

DATED : --- (acknowledged December 1, 2000 and December 13,  
2000)

RECORDED : Document No. 2000-182505

PARTIES : KAONOULU RANCH and COUNTY OF MAUI

SCHEDULE B CONTINUED

8. RIGHT-OF-ENTRY

TO : BOARD OF WATER SUPPLY

DATED : October 22, 2001

RECORDED : Document No. 2001-192187

GRANTING : a right of entry for the construction, maintenance, operation, repair, and removal of water system improvements, etc.

9. Water rights, claims or title to water, whether or not shown by the public records.

10. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF RESTRICTIVE COVENANTS

DATED : February 21, 2006

RECORDED : Document No. 2006-063410

11. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC.

DATED : October 20, 2008

RECORDED : Document No. 2008-193398

GRANTING : a perpetual nonexclusive easement for utility purposes

SCHEDULE B CONTINUED

12. Existing natural drainway shown on map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.
13. Encroachments and any other matters as shown on survey map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.
14. Loss or damage which may arise by reason of Archaeological sites disclosed by Letter dated July 21, 2006 from the State of Hawaii, Department of Land and Natural Resources, regarding Chapter 6E-42 Historic Preservation Review (County/DSA) - Construction Plan Review and Drainage Report (File No. 2.2795) for the Proposed Ka'onu'ulu Marketplace AKA Ka'onu'ulu Ranch Large Lot Subdivision, that are not resolved in accordance to recommendations contained therein.
15. -AS TO EASEMENT "D" GRANTED BY DOCUMENT NO. 2002-005668 AND EASEMENT "A" GRANTED BY DOCUMENT NO. 2003-018703:-

No insurance with respect to said easements is provided.

END OF SCHEDULE B

## SCHEDULE C

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The land referred to in this policy is described as follows:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 7447, Land Commission Award Number 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56)) situate, lying and being on the easterly side of the Piilani Highway (F.A.P. No. RP-031-1(5)) at Kaonoulu, Districts of Makawao and Wailuku, Island and County of Maui, State of Hawaii, being LOT 2A of the "KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2", as shown on Subdivision Map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2003, last revised March 3, 2009, containing an area of 30.132 acres, more or less, as approved by the County of Maui, Planning Department on August 14, 2009, Subdivision File No. 2.2795, more particularly described as follows:

Beginning at a point at the northwesterly corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 14,712.22 feet north and 22,404.94 feet west and running by azimuths measured clockwise from true South:

1.    270°   04'   30"   1,158.87    feet along the Waiakoa-Kaonoulu Boundary, being also along Grant 11400 to Ernest Kia Naeole to a point;
2.    346°   48'            1,072.89    feet along Lot 2B of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;



SCHEDULE C CONTINUED

3.     82°   00'             495.67     feet along Lot 2E (Ka'ono'ulu Street) of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to a point;
4.     Thence along same on a curve to the left with a radius of 3,562.00 feet, the chord azimuth and distance being: 79° 24' 323.17 feet to a point;
5.     76°   48'             271.44     feet along same to a point;
6.     Thence along same on a curve to the right with a radius of 40.00 feet, the chord azimuth and distance being: 121° 48' 56.57 feet to a point;
7.     166°   48'            1,239.41    feet along Lot 2G of Kaonoulu Ranch (Large-Lot) Subdivision No. 2, being also along the remainder of Royal Patent 7447, Land Commission Award 3237, Part 2 to H. Hewahewa (Certificate of Boundaries No. 56) to the point of beginning and containing an area of 30.132 acres, more or less.

Together with a non-exclusive easement for access purposes in common with all others entitled thereto, over and across Lots 2E and 2G of the "Kaonoulu Ranch (Large Lot) Subdivision No. 2" (Subdivision File No. 2.2795); subject to terms and provisions contained therein.

SCHEDULE C CONTINUED

Together with perpetual, non-exclusive easement for access and utility purposes, and including the construction, reconstructions, etc. over and across Easement "D" more particularly described in Exhibit "A" attached thereto, as granted by instrument dated October 1, 2001, recorded as Document No. 2002-005668; and subject to the terms and provisions contained therein.

-Note:- Said Easement "D" does not abut said Lot(s), and no insurance with respect to said easement is provided.

Together also with Easement "A" a twelve (12) foot wide pathway for access purposes only, as granted by instrument dated January 31, 2003, recorded as Document No. 2003-018703; and subject to the terms and provisions contained therein.

-Note:- Said Easement "A" does not abut said Lot(s), is in gross, and no insurance with respect to said easement is provided.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : MAUI INDUSTRIAL PARTNERS, LLC, a Delaware limited liability company

GRANTEE : PIILANI PROMENADE NORTH, LLC, a Delaware limited liability company

DATED : September 10 (acknowledged September 3, 2010)

RECORDED : Document No. 2010-136834

END OF SCHEDULE C

## GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

E N D O R S E M E N T    N O.    1

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Attached to Policy No. FJ -000107429  
dated September 16, 2010 at 8:01 a.m.

-AS TO LOT 2A:-

The Company insures the insured against loss or damage sustained by reason of damage to existing improvements, including lawns, shrubbery or trees, resulting from the exercise of any right to use the surface of said land for the extraction or development of the minerals excepted from the description of said land or shown as a reservation in Schedule B.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: September 16, 2010 at 8:01 a.m.

By Title Guaranty of Hawaii, Inc.,  
its Authorized Agent

TG 205/CLTA 100.29 - mineral extraction (7-94)

E N D O R S E M E N T      N O.      2

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Attached to Policy No. FJ -000107429  
dated September 16, 2010 at 8:01 a.m.

-AS TO LOT 2A:-

The Company insures the insured against loss or damage sustained by reason of damage to improvements, including lawns, shrubbery or trees, resulting from the exercise of any right to use the surface of said land for the extraction or development of water excepted from the description of said land or shown as a reservation in Schedule B.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: September 16, 2010 at 8:01 a.m.

By Title Guaranty of Hawaii, Inc.,  
its Authorized Agent

TG 209/CLTA 103.5 - water extraction (3-95)

E N D O R S E M E N T      N O.      3

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Attached to Policy No. FJ -000107429  
dated September 16, 2010 at 8:01 a.m.

-AS TO LOT 2A:-

The Company insures the insured against loss or damage sustained by reason of the failure of the land described in Schedule C to be the same land as shown on the plan prepared by Reid M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 3, 2010.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: September 16, 2010 at 8:01 a.m.

By Title Guaranty of Hawaii, Inc.,  
its Authorized Agent

TG 511/CLTA 116.1 - survey (12-99)

E N D O R S E M E N T    N O.    4

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Attached to Policy No. FJ -000107429  
dated September 16, 2010 at 8:01 a.m.

-AS TO LOT 2A:-

The Company hereby insures the insured against loss or damage which the insured shall sustain by reason of:

The existence of any of the following:

1.    Present violations on the land of any enforceable covenants, conditions or restrictions.
2.    Except as shown in Schedule B, encroachments of buildings, structures or improvements located on the land onto adjoining lands, or any encroachments onto the land of buildings, structures or improvements located on adjoining lands.

Wherever in this endorsement any or all the words "covenants", "conditions" or "restrictions" appear, they shall not be deemed to refer to or include the terms, covenants, conditions or restrictions (a) contained in any instrument creating a lease or (b) relating to environmental protection, except to the extent that a notice of a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy and is not excepted in Schedule B.

TG 203/CLTA 100 - ALTA Owner (1-99)



This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: September 16, 2010 at 8:01 a.m.

By Title Guaranty of Hawaii, Inc.,  
its Authorized Agent

TG 203/CLTA 100 - ALTA Owner (1-99)

E N D O R S E M E N T    N O.    5

Issued by

FIRST AMERICAN TITLE INSURANCE COMPANY

Attached to Policy No. FJ -000107429  
dated September 16, 2010 at 8:01 a.m.

-AS TO LOT 2A:-

The Company hereby insures the insured against loss or damage which the insured shall sustain by reason of the failure of the easement(s) described in Schedule C to provide the owner of the estate or interest referred to in Schedule A with ingress and egress to and from a public street known as PIILANI HIGHWAY.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: September 16, 2010 at 8:01 a.m.

By Title Guaranty of Hawaii, Inc.,  
its Authorized Agent

TG509B/CLTA 103.4 - easement, access to public street